

Reconnecting With the Sacrament: an Exploration of Legal, Economic, and Social Barriers to  
the Peyote Gardens Shoshone-Paiute Case Study

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by

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### Authorization to Submit Thesis

This thesis of Joseph B. Walker, submitted for the degree of Master of Arts with a major in Anthropology and titled “**Reconnecting with the Sacrament: an exploration of legal, economic, and social barriers to the Peyote Gardens Shoshone-Paiute case study**” has been reviewed in final form. Permission, as indicated by the signatures and dates below, is now granted to submit final copies to the College of Graduate Studies for approval.

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## Abstract

The Peyote cactus is the sacred Sacrament of the Native American Church (NAC) and peyotists and they use it in their ceremonies to commune with God. The intricacies of the procurement of Peyote by tribes is not without issue and includes a complex of state and federal regulation, economic factors based on supply and demand of Peyote, and the most important issue of the ability to access the cactus for commercial harvest by a select few DEA licensed Peyote distributors (peyoteros) whom obtain it from private land in the Rio Grande Valley of South Texas known as the Peyote Gardens. Nearly the entire commercially available supply of Peyote for the NAC and peyotists exists on private property in Star, Webb, Jim Hogg, and Zapata counties. The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation have practiced Peyote ceremonies since at least 1934 along with other forms of spirituality including the Sundance and traditional Paiute spirituality. This thesis research will address how these economic, regulatory, and relationship-based access obstacles are experienced by Paiute Peyote roadmen, brothers Reggie and Murray Sope, using excerpts from semi-structured ethnographic interviews with them and critical analysis of federal and state regulations governing the Peyote economy.

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My family, particularly my parents, encouraged me to continue and finish my master's at the University of Idaho. I will always carry their advice and guidance to work to help others.

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**Dedication**

For the Shoshone Paiute Tribes of the Duck Valley Indian Reservation

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## **Chapter 1: Introduction**

### **Research Focus**

Prior to 2014, I had only a basic understanding of the Native American Church (NAC) and its Peyote ceremony. I had listened to recorded Peyote drumming and songs, and seen an Omaha Indian friend's water drum used in the ceremony. While there were other snippets of knowledge, I did not really know about the issues surrounding this sacred plant and its' habitat, how American Indian people obtained peyote, and certainly not the laws that regulate Peyote Religion. Many American Indian friends of my father had always stressed to me the importance of the natural world, how everything in nature is connected, and that they should always be treated with respect and with conservation in mind. Then in 2014 I began to listen more closely, as elders like Reginald (Reggie) Sope, a Shoshone-Paiute and Pitt River Paiute from the Duck Valley Indian Reservation (DVIR), shared their wisdom about this sacred plant and Native American Church. His words helped spark my interest and frame my subsequent research.



Figure 1.1 A Peyote crown in blossom. Taken by Joe Ben Walker, June, 2016

*We were taught that the nation is very sacred and very important to us all just on account that it feeds us, it provides you know clothing for us in that great ecosystem, to where it provides for the animals and, and you know we harvest the animals and we have to use these herbs again to, for doctoring purposes for our, our health. So therefore we, we were taught all this as, you know as I guess you know preschoolin' time, and we were told to, to take care of nature around us before, you know. In other words, to always think ahead and, and only you know harvest and use, you know what you need for that time, 'cus other people are comin' and they're gonna' need some of that support also.*

In this thesis, I will employ a unique ethnographic and scholarly approach to address Shoshone-Paiute access to the Peyote Gardens in south Texas. I am among the few, if any, researchers who are conducting an update to ethnographic research about the NAC on the DVIR after Omer Stewart (1987). In Chapter 3, I draw upon two in-depth, semi

structured ethnographic interviews with two Paiute Peyote roadmen, brothers Reggie and Murray Sope from the Duck Valley Indian Reservation (DVIR). A Peyote roadman is a spiritual leader in the NAC who runs Peyote ceremonies. The purpose of our interviews are to discuss Shoshone-Paiute access to the Peyote Gardens in Texas, where all of the commercially harvestable Peyote grows for the entire NAC in the United States and Canada.

In my interviews with these roadmen, I uncover several other closely related issues that are very important to the tribes including the preservation of the NAC and traditional Paiute spirituality and the interconnectedness of everything in the environments and ecosystems on which they depend. The survival and continuation of Peyote religion depends on some extremely important factors, including: environmental preservation, conservation, and the application of teachings rooted in a reverence for the natural world which Reggie and Murray discuss in-depth. These principles include the continuation of traditional Paiute and family teachings, NAC based teachings handed down to them generationally, and efforts to pass these values and intricacies within them to the next generations.

Pan-tribal access to the Peyote Gardens has been diminished through a number of factors including: private land ownership in South Texas, tribally exclusory laws which govern procurement of Peyote from the ground up, and habitat loss and destruction. The NAC is also in a time of crisis because of a perceived shortage in the supply of Peyote available to them. Frank Dayish Jr., president of the Native American Church of North America (NACNA) was cited in March 20, 1995 *New York Times* article. In the article, Mr.

Dayish explains how he and others experienced times where there was no Peyote available for purchase from distributors. Dayish experienced times in Texas where he and others could not obtain any Peyote because it was not available. Reggie and Murray Sope have had similar experiences, in which the availability of Peyote was scarce and the distributor he relied on was unable to provide. I would argue that the perception of a shortage of Peyote by the Native American Church (NAC) can tell us two things, 1) there is an actual shortage of Peyote and 2) there is a deficit of tribal access to Peyote.

The most significant obstacle which the Native American Church (NAC) has to overcome is access to their Sacrament, Peyote. Currently there are four licensed Peyote distributors otherwise known as peyoteros operating in the state of Texas, and they harvest and sell most of supply of the NAC's Holy Sacrament, Peyote, to its 250,000 plus members (Echo-Hawk 2010, 277). Commercially harvestable quantities of Peyote for the NAC only grow in Star, Zapata, Webb, and Jim Hogg counties located within the Rio Grande Valley in the Tamaulipan Thornscrub ecoregion of South Texas, where nearly all of the land is privately owned (Terry and Mauseth 2006, 566). These lands are known as the Peyote Gardens. Perhaps the most important thing that the peyoteros possess is their ability to access private land in the Peyote Gardens. Ribot and Peluso (2003) describe "webs and bundles of power" in which an individual could hold the means to acquire and maintain access to resources aided by systems like laws and economy. These webs must be analyzed to understand what the benefits are and who the beneficiaries are in these "webs and bundles of power" and I would argue that the peyoteros are holding the sticks in this bundle, for now (Ribot & Peluso 2003, 159-60).

Modern federal and state legislation protects the religious freedom of American Indians to possess, transport, and to use Peyote in bona-fide religious settings, but laws governing peyoteros affect these rights negatively. I will address Texas Department of Public Safety policies on managing Peyote distributors and their employees in-depth in chapter 2. Changes to these laws in 2016 come from within the Texas legislature and reflect a decreased interest on the part of the state of Texas to govern Peyote sales and records.

There are two major stakeholders in the supply-and-access side of the “Peyote economy” today: Texas landowners and Peyote distributors (peyoteros). Currently there is no sustainable method to accurately measure the amount of Peyote available for the NAC or the health of its population without cooperation from landowners. For this reason I argue that the key to continued and improved American Indian access to, and active presence in, the Peyote Gardens lies in the formation of relationships between the NAC and private landowners of the Peyote Gardens. A revival of old relationships with private landowners combined with the establishment of new ones in these arenas will allow for greater tribal control of the destiny of their Sacrament and will also help to reconnect members of the NAC who have been historically separated by specific legislation and the resulting exclusory Peyote economy to the Gardens and their Sacrament.

### **Peyote Religion and the NAC: A Brief Background**

The NAC is not a single church as the name would imply, but rather a highly differentiated assemblage of individual church organizations. The NAC is made up of chapters on the National Council of Native American Churches, known as the “National

Council,” and also of chapters and practitioners, referred to in this thesis as peyotists, unaffiliated with the National Council (Klein et al. 2015, 35). The NAC spans the continental United States and reaches into Canada. The Church varies greatly culturally, socioeconomically, linguistically, ceremonially, and in regard to legal status (Klein et al. 2015, 35). NAC organizations like the NACNA and Azee Bee Nahagha of Dine Nation (ABNDN), for example, are comprised of different demographics and chapters. ABNDN is comprised of chapters from all over the Navajo Nation, whereas the NACNA includes chapters ranging from south Texas all the way to Canada and mostly west of the Mississippi River.

The Peyote religion is considered a primal religion due to its antiquity (Echo-Hawk 2010, 277). The Peyote religion dates back 5,000 years, is far older than any Christian religion, and it is perhaps oldest religious traditions in the western hemisphere (Echo-Hawk 2010, 277). One of the central tenets of the tradition is called “The Peyote Road”, and the NAC is the modern version of the tradition (Echo-Hawk 2010, 278). For peyotists and NAC members, the Peyote Road includes an acknowledgement of Peyote’s Sacramental status. Peyote’s significance is derived from ability to communicate with people, assist with prayer, heal sickness, and help people live better lives overall (Echo-Hawk 2010, 278-279). Peyote was given to American Indian people by the creator in the more traditional version of Peyotism as a part of the Creator (Echo-Hawk 2010, 278; Stewart 1987, 157).

The importance of the plant and Sacrament of Peyote in religious practices among American Indians is very complex, but we can begin to understand its revered status by discussing its psychoactive and healing properties. Peyote (*Lophophora williamsii*) is a



small spineless cactus, averaging less than 3 centimeters in height and less than 8 centimeters in diameter, native to the Chihuahuan Desert in Northern Mexico and Southwestern Texas (Terry et al. 2006, 1017). The word Peyote comes from the Aztec word, peyotl. Its harvestable range spans from Southwest Texas in the Rio Grande Valley into Northern Mexico, measuring approximately 60,000 square miles between the Sierra Madre Occidental and the Sierra Madre Oriental ranges and as far south as San Luis Potosi (Glasrud, 2013 133; Morgan 1976, 271-272; Terry et al. 2006, 1018). Most of the range of Peyote spans into Mexico and is not accessible to U.S. tribes because of Drug Enforcement Agency (DEA) laws.



Figure 1.2. A cluster of Peyote “chiefs” surrounded by nurse plants. Taken by Joe Ben Walker June, 2016.

Peyote contains mescaline, which is the main agent resulting in its hallucinogenic effects, along with over 60 other alkaloids (Glasrud et al. 2013, 133). Peyote is known and revered by many Native North American people for its psychotropic and healing properties, its ability to prevent hunger and thirst, and its use in the treatment of alcoholism and drug

addiction (Garrity 2000, 522-523; Glasrud et al. 2013,133; Stewart 1987, 216). Peyote is ingested in the forms of tea, dried granules, and sometimes as fresh buttons. Peyote ceremonies can last all night and include prayer, drumming, and singing (Terry et al. 2011, 662).

The earliest evidence of Peyote in the archaeological record is over 5,000 years B.P.E. from Shumla Caves in southwest Texas (Glasrud et al. 2013, 133-134,Terry et al. 2006, 1017-1019). According to site documentation, desiccated buttons strung on cord and granulized specimens from later associations were also collected (Glasrud et al. 2013, 133-134; Terry et al. 2006, 1018). Additional archaeological records including textiles, rock art, and American Indian use ceramics date back two millennia (Terry et al. 2006, 1017). This scientifically documented of Peyote dating back thousands of years lend to its ceremonial and religious uses beyond American Indian knowledge of Peyotism.

### **Research Description:**

In this thesis research, I have been honored to work with the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation to research some of the topics associated with their continued tribal access to their Sacrament. In this research, I work closely with two Paiute and Pit River Peyote roadmen; two brothers named Reggie and Murray Sope. Roadmen are the ceremonial leaders in Peyote ceremonies. Reggie and Murray are esteemed NAC roadmen.

One major component of my research is a qualitative Shoshone-Paiute case-study. I will dedicate a chapter to this study and I will present questions on the topics and issues that affect Shoshone-Paiute NAC access to their Sacrament. In the Shoshone-Paiute case-

study, I will provide Reggie's and Murray's perspectives in an abbreviated transcript format that shows my questions and their rich answers and thoughts about solutions to these problems. I will include portions of our discussions about the future of the Tribes' continued access to Peyote and the Gardens throughout this thesis. I will also use the information from my interviews with Reggie and Murray Sope in the conclusion chapter to enrich my discussions and arguments.

In Chapter 2 *Laws, landowners, and locked gates in the Peyote Gardens*, I utilize a literature review and relevant policy analysis to discuss factors that have changed and diminished Shoshone-Paiute NAC and other tribal NAC access to their Sacrament. These factors include—Texas Department of Public Safety (TDPS) laws and policies which govern Peyote distributors (peyoteros), land use practices such as ranching that compete with Peyote habitat, and the functions and resulting tribal consequences of the modern monetary-based Peyote market. I also review the historical legal milestones which have contributed to the form and function of the modern Peyote economy and the current roles of peyoteros.

Another major purpose of chapter 2 is to provide focused historical and modern backgrounds and critiques of legislation which have affected the NAC's access to their Sacrament. I will enrich this background with the input of Steve Moore—a senior attorney at the Native American Rights Fund (NARF) and James Botsford—a retired NARF and acting Supreme Court justice of the Winnebago Tribe of Nebraska.

I conclude with a chapter summarizing the future NAC and peyotist presence in the Peyote Gardens and their participation in the Peyote economy. This conclusion includes

the thoughts and desires of Reggie and Murray Sope related to their participation and continuation in the Peyote economy. The primary audience for this thesis are the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, members of other American Indian tribes, NAC members or American Indians who use Peyote but are not affiliated with a NAC chapter, and various researchers.

### **Access Obstacles, the Roles of Peyoteros, and Relationships:**

Native American Church members and church unaffiliated religious practitioners of the Peyote Way, otherwise loosely referred to as peyotists, depend on Peyote as a Sacrament. NAC and peyotist access to the Peyote Gardens in South Texas has been restricted through channels of private land ownership including ranching, agriculture, oil and gas development, windfarms, and the historical loss of NAC relationships with landowners--the gatekeepers to the land. All of the land where Peyote grows is private, so these relationships are essential to the harvest and sale of Peyote regardless of who is harvesting Peyote, but they are currently maintained mostly by the peyoteros. As of 2019, Salvador Johnson, Mauro Morales, Monica Ramos, and Enrique Gonzalez are the four current peyoteros in operation (TDPS Records, 2019). I will use the titles, Peyote distributor(s)/dealer(s) and peyotero(s), interchangeably.

American Indian Peyote procurement differs historically from the north to the south of the Rio Grande Valley in Texas. In the latter half of the 19<sup>th</sup> century, the southern half of the Rio Grande Valley was more densely populated, and landowners were the gatekeepers to the NAC Peyote supply, "Indians paid landowners a modest price for each sack of green peyote they took from the land." (Morgan 1976, 95-96). Morgan (1976) notes that the

origins of peyoteros were in Los Ojuelos located approximately 37 miles southeast of Laredo, Texas (95). In the northern region of the Rio Grande Valley, American Indians procured dry Peyote from traders (Morgan 1976, 95-96). These traders were located in Los Ojuelos, Texas and would later become known as peyoteros. In the latter half of the 19<sup>th</sup> century, peyoteros centered in Torrecillas, Aguilares, Laredo, and Los Ojuelos also began making their living by selling to Indians from the north (Morgan 1976, 95-96).

As Stewart and Morgan (1976) observed, peyoteros used to be guides, facilitators of worship, and gatekeepers for American Indians who would gather their own Sacrament before at least 1977 (95). Today, peyoteros possess most of the working relationships with landowners in the Peyote Gardens. I believe that relationships with Texas landowners are main currency in the Peyote economy and have been greatly diminished through differing degrees of government regulation, land use practices, and the resulting commercial Peyote economy, separating NAC members and peyotists from a complete experience of Peyote. I think these relationships need to be revived and newly established where appropriate to allow the NAC and peyotists more direct involvement in the procurement of Peyote, a topic I will discuss in-depth in chapters 2 and 3 *Discussion and Conversation from Interviews with Paiute Spiritual Leaders Reggie and Murray Sope: A Case-Study*.

### **The Peyote Economy, its Transformation, and Tribal Consequences**

The Texas-Mexican Railroad, completed in 1881, connected Corpus Christi with Laredo and had two stations near Los Ojuelos, where many peyoteros of the time lived (Stewart 1987, 61). The Peyote market was transformed immensely by the Texas-Mexican Railroad. The railroad provided a solution to NAC and peyotist access to their Sacrament,

as it worked against the strong anti-Indian policies and discrimination of the NAC at the time by offering a discrete way to obtain Peyote (Stewart 1987, 55-61). The railroad, in conjunction with the United States Postal Service, made it possible for the NAC and peyotists to obtain Peyote without making a pilgrimage to the Gardens. Today, in addition to legal changes and private land ownership, factors such as busy lifestyles, financial barriers, family, work, and other obligations continue to separate NAC practitioners from the Gardens.

After 1969, Texas legislation required peyoteros to keep records of all sales and transformed the acquisition of Peyote into a government-regulated, market based system, which I refer to as the Peyote economy (Morgan and Stewart 1976:1984; Stewart 1987, 247). Now, the peyoteros control nearly the entire process of Peyote sales and almost all of the intricacies therein, including land access, leases, harvesting rotations, and more. Further, these components of the Peyote economy have become a form of informal proprietary knowledge for the peyoteros. Transference of legal and economic power to the peyoteros coupled with private land ownership which predates the expansion of the NAC have drastically diminished American Indian connection with their Sacrament Peyote both spiritually and physically.

Since the peyoteros control relationships with the landowners, the current Peyote sales system is based around profit and is not inclusive of vitally important American Indian spiritual and ceremonial harvest of the Sacrament, Peyote. In my visit to the Gardens in 2016 as part of my previous research, I witnessed NAC members harvest some Peyote and pray in the process. Historically, peyotists would make a pilgrimage to the

Peyote Gardens to procure their Sacrament for themselves by negotiation with landowners or one of the previously numerous peyoteros. This is not to say that people do not make ceremonial pilgrimage today. Maroukis (2010) notes that the pilgrimage today is family based and ceremonial in nature. Prayer does not occur, or only nominally occurs, when peyoteros harvest Peyote. However, today, most NAC members and peyotists have never been to the Peyote Gardens and instead receive it through the mail or from their NAC chapter custodians.

Reggie and Murray Sope have a continuing relationship with a former peyotero named Miguel Rodriguez that dates back to the mid-20<sup>th</sup> century. This relationship was originally established by their uncle Stanley Smart and their father Tommy Sope. In our interviews we discussed how Tommy and Sam also dealt with Amada Cardenas, also known as Peyote Rose, who passed away in 2005. Cardenas passed her Duck Valley business to Miguel Rodriguez before she passed away. Tommy Sope made a trip to the Gardens in 1970 to experience it first-hand and spiritually harvest his own Sacrament. According to Reggie Sope, Cardenas operated in the older tradition of peyoteros and acted as a gatekeeper to the Gardens and utilized her long-established relationships with landowners to provide access.

In the chapter 2, I explore policy and economics and how they interplay with NAC members and unaffiliated peyotists and their ability to access the Peyote Gardens. I discuss the overhauled 2016 policies in the Texas Department of Public Safety *Texas Administrative Code Title 37, Public Safety and Corrections, Part 1, Texas Department of Public Safety, Chapter 13, Controlled Substances, Subchapter C, Peyote Distributors*. I also



compare them to the previous rules found on the Texas Office of the Secretary of State website which contain requirements for becoming a Peyote distributor, and evaluate how they may or may not affect American Indian access to the Peyote Gardens.

Economics play an important role in the Peyote market today, mainly because there are currently only four peyoteros who control the entire legitimate Peyote market for the NAC and unaffiliated peyotists. The amount of control that the peyoteros actually possess is contingent on their established and ongoing ability to access the Gardens, and they act as intermediaries between the NAC and peyotists and their Sacrament.

In addition to the legal regulation of peyoteros, land use has had a great impact on the Peyote population. According to the Cactus Conservation Institute's website Peyote's range in the U.S. is contained in the Tamaulipan Thornscrub ecoregion in the Chihuahuan Desert, generally situated in the Rio Grande Valley on the western border of Texas. Research has shown that Peyote numbers and habitat are in jeopardy in this area because of urban development, root-plowing associated with ranching, agriculture, and illicit harvesting (Anderson 1995, 67-69; Terry 2006, 566). Root-plowing is a practice used to clear land of vegetation in order to create grazing pasture. The United States Department of Agriculture's Natural Resources Conservation Service Plants Database has the common names of the following plants of which chaining practices destroy the complex ecosystem of including: *Larrea tridentata* (greasewood and creosote bush), *Prosopis* (mesquite), *Agave leckeguilla* (agave), *Jatropha dioica* (leatherstem), and *Euphorbia antisyphilitica* (candelilla) (Anderson 1969, 302). Peyote grows in the shade of all of these aforementioned plants, and also in direct sunlight.



Figure 1.3. Peyote clusters surrounded by various cacti and native vegetation. Taken by Joe Ben Walker, June 2016.



Figure 1.4. Prickly Pear and greasewood. Photo taken by Joe Ben Walker, June 2016.

The NAC is the primary consumer of Peyote, but there is still a black market for the hallucinogenic *Lophophora williamsii*, and the associated illicit harvest remains a threat (Anderson 1995 67-69; Terry 2006, 566). The Peyote grey market can be defined loosely as obtaining Peyote through an intermediary after legitimate purchase from a peyotero. Non-Indians could obtain Peyote from a member of a federally recognized tribe who purchases it through the legal channels. A member of a tribe and/or NAC organization could purchase Peyote from one of the four licensed Peyote distributors operating in Texas today by sending copies of their tribal membership card, and optionally their NAC chapter membership card and then distribute it elsewhere after purchase. The Oklevueha NAC is an example of the operation of the grey market. Oklevueha NAC is not affiliated in any way with the National Council and is largely non-Indian, yet they regularly obtain Peyote.

Oklevueha NAC present themselves as a branch of the NAC. On their website, they assert in their "Membership Card Sign Up" agreement that any United States citizen can sign up for their church on a "Regular Full Membership" status for a donation of \$200 and will be protected under the law to make religious use of earth-grown controlled substances including, "a. Peyote – the significant Indigenous Earth–Based Healing Sacrament (Eucharist) for this church. b. Any other Indigenous Earth–Based Healing Sacrament (Cannabis, San Pedro, Ayahuasca, mushrooms and etc.) that has been found to benefit the health and welfare of recipients, so long as it does not place them in harm's way." According to Oklevueha NAC's website, they use the Religious Freedom Restoration

Act (RFRA) of 1993 to assert claims of religious freedom and rights to use controlled substances by U.S. citizens.

However, Oklevueha NAC uses incorrect information to justify illegal Peyote use by non-Indians, and according to their website they boast 51 approved chapters “in good standing.” According to the Oklevueha NAC website, “The Lakota Sioux and Seminole Religious Cultures merged their two Indigenous American Native Religious Cultures; earth based healing and empowering spiritual traditions, December 17, 2007. The original agreement named this merging of American Native spiritual traditions, Oklevueha Lakota Sioux Native American Church, predominately known as Oklevueha Native American Church.” This statement is problematic in several ways: for example, the presumed authorization of both tribes to merge their cultures together to create a NAC organization inclusive of non-Indians. Furthermore, the “church’s” sources for Peyote and other substances like mushrooms and ayahuasca are not apparent. Oklevueha representatives could be obtaining Peyote illegally by poaching it without authorization from the DEA or TDPS, or they could be obtaining Peyote secondarily through an American Indian individual or group(s). Oklevueha NAC is just one example of non-Indian consumption and use of Peyote.

### **Relationships and Reflexivity**

I have worked in the field of applied cultural anthropology as a research assistant on several different projects with the Shoshone-Paiute tribes and others. The main factor in my success comes from my unique position in the field. I am the son of a very prolific academic and applied cultural anthropologist, Dr. Deward E. Walker Jr. My father taught at

the University of Colorado Boulder as a professor, department chair, and researcher in cultural anthropology and ethnic studies from 1969-2013. He completed his doctoral dissertation entitled *Schismatic Factionalism and the Development of Nez Perce Pentecostalism* in 1964 at the University of Oregon. Among other stops in his academic career, my father and Dr. Roderick Sprague founded the University of Idaho Anthropology and Sociology Program and initiated the Department's first graduate degree in anthropology in 1967-69. Dr. Walker is now Professor Emeritus and continues to work with tribes doing various types of applied research through his LLC, Walker Research Group, Ltd. (WRG, Ltd.) located in Boulder, Colorado. My father has worked with several dozen tribes as an applied anthropologist for over sixty years, and specifically for the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation since 1958.

My father has been a bridge for me into parts of the many worlds encompassed in American Indian cultures, and I have been able to form lifelong relationships with some of the people he introduced me to at our house and in the field. American Indian people have visited my family all my life and have stayed with us for short and long periods of time at the Logan Mill Ranch, where I was raised, located about 20 minutes west of Boulder, Colorado. During those times, our family would join in on sweat lodge and other ceremonies with members of the Navajo, Lakota, Chippewa, Menominee, Ojibway, Omaha, Shoshone-Paiute, Iroquois, Apache, Yakama, Nez Perce, and others whom I do not recall.

I was fortunate to be able to spend time at Rick and Sally Williams' house in Broomfield, Colorado, as well. Rick is an enrolled member of Oglala Sioux Tribe from Pine Ridge and is both Northern and Southern Cheyenne. Rick Williams is an eminent scholar of

American Indian religions. Sally is an enrolled member of the Flandreau Santee Sioux Tribe and is Lac du Flambeau Band of Lake Superior Chippewa. Sally's two brothers are NAC members, and she has participated in Peyote ceremonies over her lifetime. Rick attended his first NAC ceremony when his best friend Ken Springer passed away in 1981. I consider Rick and Sally my aunt and uncle and their daughter Ida my cousin.

From a young age, I accompanied my father to Duck Valley and various other reservations. I helped buck hay bales with the children of my father's colleagues. I took home my first kitten from underneath a trailer at Duck Valley. Instead of vacations, we would go on fieldwork trips, and they were the highlights of my summers. I would accompany my dad on two- or three-week trips to reservations, sometimes one-on-one or with my brother Dan and my mother Candida to Duck Valley, Cheyenne River, Flathead, Yakama, and other reservations. Those field trips with my father offered me some rare insight into reservation life, the importance of the landscape and its physical and spiritual resources to the tribes, and how to operate as an Anglo-looking person on tribal lands around tribal people of all ages and various backgrounds. In my later years, during and after college, I transitioned into a research-assistant role for my dad and worked with him and his primary research assistant, Pamela Graves.

I returned to the Duck Valley Indian Reservation (DVIR) from December 15-18, 2018, to conduct my ethnographic fieldwork for this thesis. I stayed with my old friends, Ted and Gina Howard, who sponsored my research. My relationships with Ted and Gina have grown and developed over the years from those childhood trips to Duck Valley and into my professional career. I spent the whole day of December 16<sup>th</sup>, 2018 over at Reggie

Sope's house, which is located about a mile away from Ted and Gina's house on the Paiute side of the reservation. His brother, Murray, came by that day and listened in on what we were discussing a bit—we then agreed to meet at his house about a quarter-mile away from Reggie's the following day.

On one summer trip to Duck Valley, my older brother Dan, and I rode horses with Reggie's two boys while he and my dad engaged in an ethnographic interview together. Reggie and I reminisced at the beginning of our day together in December about how, when I was eight years old or so, I bounced off the saddle of one of his horses and flew like a monkey through the air attempting to keep up with his boys who were practically born on horses.

I was not as close with Murray as I am with Reggie until 2013, when my dad and I interviewed their father Tommy—a very close, now deceased, friend of my father. We talked about culturally significant resources that would be potentially affected by a copper mine on Shoshone-Paiute tribal homelands near Duck Valley. Murray was there to support his father and added much to this conversation.

Some readers may ask what it is like to do research as a white-looking person in tribal communities and on tribal lands. I say that since I have had the opportunity to go on field trips with my dad since I was a child and serve as a research assistant on applied anthropology projects later, that I had a unique amount of experience compared to other young people. I also consider that since my dad has done so much quality and culturally significant work on the DVIR with the intention of protecting tribal cultural and natural resources, that I have been set up for success in this thesis research. I have been deeply

influenced by and have benefitted in many ways from my history on the DVIR and from my fortunate experiences with American Indian people elsewhere. I do continue to feel like an outsider on the reservation sometimes, since I only know a handful of people well, but if I stick with them I feel welcomed, respected, and like I am a part of the family and the larger tribal community. These established and ongoing relationships have made my thesis research possible, and I cannot stress the importance of my history with the research participants in this project enough.

According to Wilson (2008) an “Indigenous epistemology” contains a strong emphasis on the relationships of *things* to other *forces* in the cosmos, and it is therefore more complex than traditional definitions of epistemology which describe the ways of knowing (74-5). The relationships between the physical world and the spiritual world, beings, and/or phenomena are emphasized in an Indigenous epistemology and therefore make it more complex than just the study of the “way” we know things (Wilson 2008, 74). These can be, “interpersonal, intrapersonal, environmental and spiritual relationships, and relationships with ideas.” (Wilson 2008, 74). My interviews with Reggie and Murray reflect our interpersonal relationships that we have built in the past and will show that we will continue to work together with the mutual goals to protect sacred cultural resources and to improve the lives of Shoshone-Paiute people and all other affected American Indian people. Reggie, in particular, also speaks about the relationships that people, animals, and the elements have with the Sacrament of Peyote.

Some would say that I had a leg up on learning how to just “be” around Indian people rooted in my family’s objective to make me and my siblings aware of the spiritual



and other cultural gifts that American Indian people have generously shared with the non-Indian world. Fundamentally, though, I value my own relationships that I built over time with people like former Shoshone-Paiute chairman Terry Gibson, who passed away in 2013, and his children, Ted Howard—current chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and his wife Gina, Reggie and Murray Sope, and their father Tommy. Since I had the opportunity to grow up around Shoshone-Paiute and other American Indian people who are deeply dedicated to the well-being and progress of the tribes, I have adopted and lived by some of the same values.

I am extremely privileged to have benefited so much during my life from my experience growing up as I have around so many great American Indian people. I believe that if I am to work as a graduate student at Duck Valley, I should always attempt to give something back to the tribal community. Applied anthropologists, such as myself, are often situated somewhere in the middle of full-scale tribal advocacy and academic research. Finally, the moral and ethical framework of the applied anthropologist must be expressed openly and not kept covert, and the anthropologist should always attempt to help the parties they are working with (Bennett 2004, 2).

In 2014 and 2016-17, I was involved as a research assistant on the Peyote Research Project I (PRP I) and visited and conducted interviews, handed out survey questionnaires at various NAC chapters including: NACNA of Wisconsin in the Wisconsin Dells, NACNA of New Mexico near Shiprock, and NACNA of Steamboat Canyon in Window Rock, Arizona. The PRP I was a joint project by the NARF and the NACNA which was meant to address concerns of NAC members and peyotists about a perceived shortage in their supply of

Peyote coming from the Gardens and peyoteros. My father conducted interviews with Shoshone-Paiute Roadmen on the DVIR and attended the 2015 NACNA Annual Meeting in Wind River, Wyoming where he presented, conducted interviews, and handed out survey questionnaires there.

During the field research phase of the PRP in 2015, I made a short presentation of our research to NAC of Oklahoma members at one of their organizational meetings on Absentee Shawnee tribal lands, handed out survey questionnaires, and was invited to sit in on half of an all-night NAC ceremony. The ceremony was a Cross Fire tradition fireplace held in a teepee, I sat next to the members of the NACNA of New Mexico with whom I had been working with closely since the beginning of the project. At the request of the Roadman leading the ceremony, I was honored to speak to the assembly of NAC members at the beginning.

In my past graduate studies as a student of Northern Arizona University, I worked as an applied anthropology graduate student intern, for the NARF under the direction of Steve Moore on the PRP Phase II (PRP II). The purpose of the PRP II was to explore methods which could potentially reconnect NACNA members with the Peyote Gardens and their Sacrament. My primary goal was to help explore the viability of purchasing land and establishing a tribal presence in the Peyote Gardens. I bring with me some of this previous research experience on closely related topics to my thesis which helped guide this research.

The PRP I was spearheaded by NARF to address a perceived shortage of Peyote reported by NACNA members. The PRP II indicated that there is a perceived problem

among NAC members that lies within a lack of both spiritual and physical connection between religious practitioners, Peyote, and the Gardens and a proposed solution to the problem was for the NACNA and/or NARF to purchase land in the heart of the Peyote Gardens. As a part of the PRP II and my internship with NARF, I conducted eight ethnographic interviews with NAC members from various organizations and experts from the fields of real estate, Peyote distribution. I will not be able to use those interviews in my forthcoming thesis research per NAU Institutional Review Board (IRB) stipulations, but they will guide this research nonetheless.

I also served as a research assistant employed by Walker Research Group. Ltd. on three more projects for the Shoshone-Paiute. In 2015, we published *An Ethnographic Assessment of some Cultural Landscapes in Southern Wyoming and Idaho: A Report in Two Parts. Part I: Preliminary Ethnographic Observations on Cultural Landscapes in Southern Wyoming and Idaho: A Literature Review, Part II: Cultural Landscapes in Southern Wyoming and Idaho: Ethnographic Interviews with Photos and Field Notes-2015* in Memoir 11 of the Journal of Northwest Anthropology. I was a co-author of this memoir. We completed this project at the request of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. In its original form, it served as a response to a viewshed analysis completed by the United States Forest Service (USFS) and the Bureau of Land Management (BLM), a part of their Environmental Impact Statement (EIS).

I also assisted in the *Boardman to Hemmingway (B2H) Project: Confidential Report on the Potential Impacts to Tribal Cultural Resources-2011-12* for the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I conducted interviews with Shoshone-Paiute

cultural experts and integrated them into our final cultural impact assessment in order to document a tribal voice to the BLM and the Forest Service. The intention of this project was to aid protecting and to provide a background on cultural resources and cultural landscapes in the area of potential effect (APE) of the B2H transmission line.

Finally, I assisted on the *China Mountain Wind Farm Project: Literature and Interviews Report-2011*. During this project, I assisted in conducting ethnographic interviews with Shoshone-Paiute cultural experts, took photos, and integrated them into the final report in order to protect cultural resources and cultural landscapes in the APE. My ability to work on these projects and establish working relationships Shoshone-Paiute tribal members helped me immensely in my research approval by the Tribes and in conducting my research with feelings of mutual trust and continued positive efforts for the tribes.

## **Chapter 2: Laws, landowners, and locked gates in the Peyote Gardens**

### **Introduction**

In nearly all of my experience researching Peyote and Native American Church (NAC) access to the Peyote Gardens, I have noticed that the landowners there are likely the key to answering questions about the state of the Peyote economy and are key players in reestablishing tribal relationships with their sacred Sacrament. Past and current legislation governing the NAC and Peyote distributors on the federal and state level have had profound impacts on American Indian access to their Sacrament, Peyote. The effects of laws passed and revised by the Texas Department of Public Safety (TDPS) have established an exclusive Peyote market run by peyoteros and have negatively impacted the ability of tribes to access the private land where Peyote grows in commercially harvestable quantities.

According to public information that I requested from the Texas Operations and Shared Services Regulatory Services Division, there are only four licensed Peyote distributors today: Salvador Johnson, Mauro Morales, Monica L. Ramos, and Enrique E. Gonzalez. These individuals are responsible for the vast majority of Peyote sales to the NAC's membership which is somewhere around 250,000 individuals and rising (Echo-Hawk 2010, 278). In this chapter, I will discuss the implications of TDPS regulations on peyoteros and how they are potentially harmful to continued American Indian access to the Peyote Gardens, namely in the diminished ability for the NAC to establish working relationships with Peyote Garden landowners.

First, I lay a historical foundation of important landmarks in federal and state legislation and discuss how factors like national political climates have affected those who can harvest Peyote, the restrictions in access for the NAC access to the Peyote Gardens, and how certain laws and policies have or will impact the American Indian presence in the lands where their medicine, Peyote, is situated. Then I frame these discussions using examples drawn from historical legislation, examine how policies governing the roles of landowners in the historical and modern Peyote economy have changed, and how an increased amount of compliance responsibility has been put into the hands of peyoteros. Finally, I will show how restrictive Texas legislation towards the NAC, how peyoteros may benefit from these regulations, and how nurturing dormant NAC relationships with the landowners of the Peyote Gardens and establishing new ones are potential solutions to legal threats and the 'peyotero-owned' market.

### **The Trajectory of the Peyote Economy: Legislation, Interlopers, and Locked Gates**

Three important things came out of the 1960s state and federal Peyote market legislation: American Indian religious exemption from the 1965 *Drug Abuse Control Act* for bona-fide religious use of Peyote, the regulation of illicit non-Indian Peyote consumption, and the formulation of laws which govern Peyote distributors. Federal and state legislation in the 1960s concerning the NAC and their spiritual use of Peyote was born out of the growing drug culture in the United States. In these proceedings the NAC and tribes were sometimes thought of after the fact or not at all (Maroukis 2010, 192). The 1960s and 1970s were a very important time for regulation of the NAC, and during that time a shift occurred in the demographics of Peyote consumers primarily from NAC members to non-

Indians associated with the drug culture (Morgan 1983, 20; Stewart 1987, 355). State and Federal governments had an obligation to protect American Indian religious freedom which meant that they needed to work in concert with each other, but this was not the case in some states like Texas, or later, Oregon.

Morgan (1983) identifies the 1960s as an era when a large discrepancy between the supply and demand of Peyote formed due to Peyote habitat destruction and increased demand of the Sacrament by non-Indians. Many ranchers in the “Tamaulipan Brushlands” began expanding “rootplowing” and chaining as practice to establish grasslands for cattle which permanently destroy Peyote habitat (Morgan 1983, 20). Both the environmental stresses from cattle and from individuals associated with the drug culture trespassing on ranches and poaching Peyote illegally further exacerbated the supply problem (Stewart 1987, 355).

In response to the growing fears of an impending drug crisis, Congress passed the 1965 *Drug Abuse Control Act* which expanded on previous acts like the *Harrison Narcotics Act* of 1914, which was among the first federal regulations of drugs like coca leaves and opium but did not include Peyote (Maroukis 2010, 134-5, 192). The 1965 Act revamped earlier laws governing narcotics like the 1938 *Food, Drug, and Cosmetic Act* in which Peyote was included as a narcotic (Maroukis 2010, 134-5). In the 1965 Act, a special exemption was included for NAC members who engaged in sacramental use of Peyote in “bona-fide religious ceremonies” (Maroukis 2010, 192). NAC-member and American Indian exemptions can now be found on the DEA Diversion Control Division website under Title 21 Code of Federal Regulations, Part 1307—Miscellaneous.

The 1965 federal special NAC exemption was not without issue for NAC members; this was reflected in similar narcotic legislation at the state level. In 1967, the Texas legislature passed the *Texas Narcotic Drug Act*, which made possession of Peyote a crime with no tribal exemptions included (Maroukis 2010, 150, 192). This was extremely problematic for NAC members because the entire commercially harvestable range of Peyote lies in Texas (Maroukis 2010, 192). As word spread throughout Indian Country on reservations where Peyotism was popular, many NAC members made sacred pilgrimages to towns in the Peyote Gardens like Oilton and Mirando City to secure future supplies of medicine even though doing so was then a crime in Texas (Stewart 1987, 246). In a 1968 test case, the Native American Church of North America (NACNA) responded to oppressive Texas laws and orchestrated the arrest of a Navajo roadman named David Clark by a Texas sheriff for possessing Peyote (Maroukis 2010, 192). The case went to Texas state court in 1968, and Judge E. James Kazan found the outlawing of Peyote to be unconstitutional and ruled in favor of Clark (Maroukis 2010, 192, Stewart 1987, 246). Judge Kazan cited NAC exemptions in California and Arizona state laws and concluded that, "...evidence in this case has shown that Peyotism is a bona fide religion practiced by members of the Native American Church, and that Peyote is an essential ingredient of the religious ceremony." (Kazan qtd. in Maroukis 2010, 192-3). This ruling only stood in Judge Kazan's district, however, so the NACNA put forth an effort headed by Church members Leonard Springer and Fred Hoffman and Professor J. Gilbert McAllister, an anthropologist, to influence the Texas legislature to amend the *Texas Narcotic Act*, to make NAC members exempt and established the framework for Peyote distributor regulation (Maroukis 2010, 192-3,



Stewart 1987, 247). In 1969 Amada Cardenas became the first DEA licensed distributor (Maroukis 2010, 199).

With the new laws in place, the “hippies” and “strangers” could no longer obtain Peyote from DEA-licensed peyoteros because they were not members of federally recognized tribes (Stewart 1987, 335). The motivations for these non-Indians to trespass and poach Peyote, often damaging the cactus in the process, were due in part to the Texas statutes that required twenty-five percent American Indian blood and their membership in the NAC (Stewart 1987, 335). Anderson (1995) notes that hippies and other non-Indian interlopers were impacting the Peyote population negatively by poaching on private property and that, since ranchers associated them with other drugs like lysergic acid diethylamide (LSD) and marijuana, it drove them to close their gates to everyone, including NAC members. These issues with non-Indian trespassers and poachers in the 1960s and 1970s, though short-lived, coincided with the perceived looming threat by state and federal governments of a major drug crisis which, as a result, fueled even stricter state and federal legislation of narcotics and motivated more ranchers to close their gates (Stewart 1987, 355). The Texas legislature, TDPS, and the DEA have had to act on the very complex issue of managing who can access Peyote to sell to the NAC and the manner in which harvesting should be conducted.

In a 1995 ruling in the state of Oregon, *Employment Division, Department of Human Resources of Oregon v. Smith*, Oregon state law allowed Smith to be fired, because he participated in Peyote ceremonies as a part of his religion. Even though the 1965 Drug Abuse Control Act listed Peyote as an illicit drug with an exception for American Indian

religious use, states like Oregon and Texas had their own legislation which did not include these exemptions. The ruling in *Smith* resulted in the denial of unemployment insurance payments for Smith because the use of Peyote was a felony in Oregon despite his claims of religious use (Maroukis 2010, 192). *Smith* led to the 1994 *Religious Freedom and Restoration Act* after it was transferred from the Supreme Court to Congress (Echo-Hawk 2010, 273).

Modern Texas laws regulating Peyote sales are still based on the racial status of American Indians who purchase Peyote in the state. Texas statutes governing Peyote distributors require buyers to have a blood quantum of at least twenty-five percent American Indian. On the TDPS website, the Texas statutes entitled "*Health and Safety Code Title 6. Food, Drugs, Alcohol, and Hazardous Substances Subtitle C. Substance Abuse Regulation and Crimes Chapter 481, Sec. 481.111 Exemptions*" state that,

The provisions of this chapter relating to the possession and distribution of peyote do not apply to the use of peyote by a member of the Native American Church in bona fide religious ceremonies of the church. However, a person who supplies the substance to the church must register and maintain appropriate records of receipts and disbursements in accordance with rules adopted by the director. An exemption granted to a member of the Native American Church under this section does not apply to a member with less than 25 percent Indian blood.

Steve Moore and James Botsford indicated to me in some of our discussions that the 1967 Texas legislature determination of just who is allowed to purchase and possess Peyote is potentially problematic. According to Steve Moore, Texas Peyote distributor regulations were diminished in 2016 as a part of a larger movement in Texas to reduce the role of government. The above referenced Texas laws date back before the era of tribal self-determination. Many tribes today do not rely on the twenty-five percent blood quantum rule to determine membership, and some tribes do not use blood quantum at all.

Further, there is no language in these statutes which refers to who can use Peyote in Texas, and they only apply to the sale of Peyote by distributors.

Perhaps the most alarming component of the Peyote economy today, however, is the role of the four operating licensed Peyote distributors. As noted, Texas rules were scaled back in 2016, and legislators have put most of the compliance responsibility in the hands of the peyoteros. Prior to 2016, peyoteros used to have to submit their annual sales records containing information like the names of buyers, amount of Peyote purchased, their tribal affiliation, their tribal identification, and proof of buyers' blood quantum annually to the TDPS. This is no longer the case; Peyote distributors do not have to submit their sales records to TDPS at all, unless they are audited (Personal Communication, Operations and Shared Services Regulatory Services Division February 15, 2019).

The 2016 wording in the revisions of Peyote distributor regulation, *Rules 13.33-6*, could be problematic for NAC members. They offer no guidance for landowners, as they did prior to 2016, on how to allow American Indian people on their land to harvest Peyote. The wording of the current Peyote-distributor rules in Texas Administrative Code could cause an increase in the rift between the NAC and Texas landowners and diminish NAC and peyotist access to the Peyote Gardens further. Since there is no language pertaining to options which landowners do have to allow American Indians with NAC memberships harvest on their property in current Texas rules, they may be less likely to let anyone besides peyoteros harvest. In the face of these problematic regulations, it seems that new relationships gained and rekindled between the NAC and Texas landowners are the major currency that the NAC has to improve the situation.

The results of these 2016 streamlining efforts by Texas legislature include two major changes in language regarding landowners in the Peyote Gardens and Peyote distributor record keeping. Previous to 2016, regulations included language about private landowners located in *Lophophora williamsii* habitat. I have reviewed current *Texas Administrative Code, Title 37, Part 1, Chapter 13, Subchapter C* and its subsequent sections (13.31-13.44) and found no information regarding methods in which landowners in the Peyote Gardens can manage individuals without a DEA distributor license: for example, NAC members who wish to harvest their own medicine. According to Steve Moore prior to 2016, it was stated that landowners were able to charge NAC members and/or licensed Peyote distributors access fees for harvesting, but were not to charge for the actual quantity of Peyote harvested. According to Steve Moore,

The new silence in the regulations does not prevent landowner/American Indian agreements to harvest on private land. Something is not criminal if it is not expressly prohibited or regulated under Texas law. The state really has no interest in preventing these activities so long as American Indians are the ones doing the harvesting. A non-Indian not licensed by the state or working for a licensed distributor cannot harvest even with landowner consent.

Peyote distributor record-keeping requirements were also diminished in 2016.

According to the TDPS Records Analyst Operations and Shared Services Regulatory Services Division, prior to 2016, distributors were required to keep all transactional records in triplicate and to keep them for at least two years, and they were also required to send sales records to TDPS annually (Personal Communication, Operations and Shared Services Regulatory Services Division February 15, 2019). Under *Rule 13.36 Transactional Records*, there is no language that requires distributors to submit sales transaction records to the TDPS; instead, they must keep up-to-date monthly inventories and, "Make the records available for inspection and copying by the department upon request, and submit the

records to the department upon request....” I would also argue that Texas DPS’s not keeping a scrupulous eye on the affairs of distributors could potentially lead to the expansion of the Peyote “grey market.”

The Peyote grey market, in a nutshell, is when bona-fide tribal members purchase Peyote on behalf of a non-Indian person. The Oklevueha NAC, for example, could send a person of a documented twenty-five percent American Indian heritage to purchase Peyote from a licensed distributor. Oklevueha NAC representatives could theoretically then sell that Peyote to non-Indians, who simply paid \$200 and signed their code of conduct for a lifetime membership in their organization to do what they please with it.

#### **Positive 2016 Legislation: Proper Harvesting and Paperwork**

The news is not all bad with these 2016 rollbacks of Peyote distributor regulations. James Botsford and Steve Moore were instrumental in including some new legislation language under *Rule 13.34 Harvesting*. This language includes information on proper harvesting under section “a”, “Distributors must ensure the peyote is harvested in compliance with proper harvesting techniques, whereby only the crown is harvested and the non-chlorophyllous stem and root are left intact. Any improperly harvested peyote, including any stems or roots, must be identified as such to prospective buyers, and may not be represented as properly harvested.”

These regulations are in-step with modern research on Peyote regeneration and viability as a species. The problem with these new regulations is that they are not easily enforceable by TDPS.

Peyote pickers, whomever they are, must follow certain protocol in order for the cactus to regenerate after harvest. Peyote is a slow-growing desert succulent, and its tissues are differentiated in two parts: the aerial, chlorophyllous stem (the crown) and the non-chlorophyllous stem (Terry and Mauseth 2006, 567). Cutting the crown, the aerial photosynthetic portion of the stem, is done by cutting at or immediately below its base (Terry and Mauseth 2006, 567). The distinction of the crown from the root is extremely important when it comes to regeneration of the crowns. If harvesting is done properly, the plant can typically grow back with one or two crowns (Terry and Mauseth 2006, 567). This leaves all or most of the subterranean portion of the stem, so that the Peyote can regenerate “one or more new crowns” (Terry and Mauseth 2006, 566). New crowns will only emerge from stem tissue, not root tissue. If the root is damaged then no regeneration occurs (Terry and Mauseth 2006, 568). Peyote can be harvested sustainably by cutting off the crown transversely at or near ground level (Klein et al 2015, 35). Terry and Mauseth (2006) recommend tools like a hand edger or any kind of knife to harvest Peyote effectively and sustainably.

However, Terry and Mauseth (2006) warn that it is impossible to distinguish the transition between crown and root with the naked eye (568). The transition varies between larger plants, where it is lower, and smaller plants, where it is higher (Terry and Mauseth 2006, 568). This means that smaller buttons that have been harvested previously, or not allowed to regenerate for an adequate amount of time are more susceptible to damage and death by harvesters (Terry and Mauseth 2006, 568). Damage to the non-chlorophyllous stem, otherwise known as the root, is one of the most prevalent forms of

mortality of Peyote occurring from harvest activities (Klein et al 2015, 36). Another factor that destroys Peyote is over-frequent harvesting intervals. Terry et al (2011, 2012) demonstrated that harvesting Peyote plants in two-year intervals increased levels of mortality, called slow death in their research (Terry et al, 2011, 2012). Another form of damage that occurs to the plants, which prevents regeneration, is purely the harvest. Even practically perfect harvest can occur at the wrong time of the year or in difficult conditions for the Peyote. When harvesters remove the plant's crown, it deprives the plant of stored nutrients that would otherwise be present if it had the ability to photosynthesize (Klein et al. 2015, 36).

Further, under *Rule 13.34* state that it is the responsibility of the Peyote distributor to train their employees to carry "employee identification" which can be demanded by representatives of the TDPS, peace officers, and landowners and their representatives. *Rule 13.3* requires that a distributor, "certify the individual has been trained in proper harvesting techniques as provided in §13.34 of this title, relating to Harvesting." These rules seem to be a step forward for Peyote and its continued viability as a commercially harvested plant. Peyote purchasers are, however, not included in these rules.

Research like that of Klein (2015) Terry et al. (2011, 2012), and Terry and Mauseth (2016) is a wonderful resource for peyoteros and for individuals interested in Peyote conservation. Even with all this information on proper harvesting readily available, however, there is a breakdown in the legislation that governs distributors. As noted, Texas *Rule 13.34 Harvesting* governs Peyote distributors and delegates the responsibility of training their employees solely on them. According to *Rule 13.34*, Distributors must

“certify” that their employees have been trained in proper harvesting techniques, but there is no language that determines the methods in which they must train their employees; neither is there language pertaining to what exactly a certification in these methods looks like. Since the peyoteros have to incur training certification responsibility and, it seems, all of the interaction with landowners, this causes a gap between the enforceability of these governing laws and the NAC is the entity that is most negatively impacted.

There are more potential dangers associated with the lack of language in *Rule 13.34* of the Texas Administrative Code. Possibly most importantly, there is no language governing what landowners can and cannot do with the Peyote on their own property; I believe that this could lead landowners to assume that Peyote distributors ‘own’ the market. In other words, landowners do not have clear legislation protecting or guiding them if they desire to let NAC members on their land to harvest Peyote. Of course, if a landowner does not desire to lease to a distributor, they do not have to. However, if landowners would like to open their gates to NAC members, they may be hesitant to do so for fear of breaking the law. Morgan’s (1983) research on the effects of the hippie era of the 1960s and 1970s points to several reasons why landowners might still be inclined to keep their gates shut to everyone, and though Kimber and McDonald (2004) note the shift of the Peyote market back to the NAC, there is no doubt, still some leftover fear from the drug culture (Kimber and McDonald 2004, 183-4, Morgan 1983, 20). In the event that landowners opened their gates to harvest by the NAC and peyotists, they would be



responsible for confirming their political and racial status. In the case of peyoteros, TDPS has put the entirety of identification of buyers in their hands.

The landowners in the Peyote Gardens do not have as positive an impression of the modern Peyote economy as they did about the times before the kinds of monetarily motivated peyoteros operating today monopolized Peyote sales. Steve Moore and James Botsford recounted conversations they had with some landowners in which the landowners told stories about when Indian people used to come to their parents' and grandparents' ranches. They shared coffee and listened to stories that the Native people told them before they went to harvest their Sacrament ceremonially and while camped on their property. The landowners, some children at the time, heard the songs of Peyote ceremonies on the wind during the time of their visits. I find these secondhand accounts to be very encouraging because they show that NAC relationships with landowners have not been lost completely through the mechanisms of law and policy, damaging effects of non-Indian interlopers into the Peyote Gardens in the 1960s and 1970s, or the other ongoing effects of time and a modern world.

James Botsford said that these old relationships between the NAC and Texas ranchers are not gone, but instead are "dormant," and that some of the landowners with whom they have interacted see the NAC members as a part of the solution. These ranchers believe that Peyote can be harvested responsibly and respectfully on their land, and some are very supportive of the NAC. Since the 2016 diminished regulation on Peyote distributors and a continued hesitancy of Texas landowners held over from the 1960s are major parts of the complex that has led to diminished American Indian access to the

Peyote Gardens and to a market almost completely controlled by the financially and connection-rich relationships currently owned by the peyoteros, revitalizing relationships between landowners and the NAC and/or peyotists is the best way to reestablish NAC connections with the land and their Holy Sacrament and will bring Native people back to the forefront of the Peyote economy.

Table 2.1 shows the Texas Department of Public Safety sales data for registered Peyote Distributors from 1986-2016. Column one displays the corresponding year for Peyote distributor sales. Column two displays Peyote units measured in “Buttons”. Column three displays the total U.S. dollar amount reported for Peyote sales by all Peyote distributors in operation combined for the corresponding year. In my experience visiting Peyote distributors, Salvador Johnson in 2014 and Mauro Morales in 2014 and 2016 the units of buttons varied by definition. Morales indicated that he sold some dried peyote as slices, where one whole Peyote crown could be sliced into multiple pieces and sold as individual “buttons”. Morales also sold whole-crown, green Peyote. I observed that Johnson sold the whole crown of the Peyote plant as one button.

Year	Buttons	U.S. Dollars
1986	1,913,212	\$149,307.52
1987	1,766,409	\$137,046.30
1988	1,575,766	\$129,051.01
1989	1,572,102	\$129,618.72
1990	1,772,126	\$156,607.29
1991	1,859,189	\$182,544.02
1992	1,886,434	\$192,695.25
1993	1,978,646	\$210,247.60
1994	2,184,739	\$246,632.94
1995	2,252,174	\$234,750.20
1996	2,258,993	\$278,579.50
1997	2,317,380	\$274,500.62
1998	2,076,167	\$277,119.71
1999	2,093,335	\$335,823.02
2000	2,057,020	\$310,722.10
2001	1,934,600	\$360,676.00
2002	1,793,914	\$404,859.50
2003	1,781,170	\$416,727.00
2004	1,669,806	\$393,572.50
2005	1,563,534	\$407,789.50
2006	1,619,115	\$463,714.75
2007	1,605,345	\$474,321.80
2008	1,475,469	\$463,148.00
2009	1,604,623	\$493,834.00
2010	1,483,697	\$459,699.00
2011	1,413,846	\$466,590.50
2012	1,106,209	\$434,609.00
2013	1,363,978	\$530,230.00
2014	1,147,582	\$435,229.00
2015	1,163,120	\$434,274.50
2016	867,674	\$327,872.00

Table 2.1 Texas Department of Public Safety Peyote Sales Records from 1986-2016

**Conclusion:**

One can contemplate how exclusive the Peyote market is, and the reasons why, but what are the peyoteros' thoughts on these matters? They are, no doubt, keen to understand how important relationships are and the apprehensiveness of these ranchers; after all, their livelihoods depend on this state of affairs. In a December 2018 *Vice Magazine* interview by Daniel Oberhaus, Salvador Johnson, one of the four peyoteros operating in Texas currently, expresses that the difficulty of establishing working relationships with landowners is the most daunting task that any potential new players could face. Johnson states that, "The hardest part about this business is getting property to lease...We have a lot of ranchers that still believe peyote is a drug and don't want to lease. Even if you have the capital, if you don't have the ranch you're going nowhere."

Salvador Johnson encapsulates his experience as the top selling peyotero very well in this statement (Texas DPS Peyote Sales Records, 2018). Mr. Johnson knows very well that relationships have to be at the forefront of any Peyote operation. Mr. Johnson was also quoted in the same 2018 *Vice Magazine* interview on the harvestable supply of Peyote, "I have a big problem with anybody that would say we are short, because now they're putting themselves in the same category as God, and he's the one that put it here on earth." Johnson added, "We can only harvest what God gives us. We have no control over it." (Oberhaus 2018, 8). This statement is an interesting one, indeed, and is worthy of deconstruction. If there is, in fact, a plethora of Peyote available in the Gardens, Mr. Johnson and other highly privileged individuals who have access to harvestable quantities

of medicine would be the only ones to know for sure how much medicine is available to harvest, besides God.

In the Introduction of this thesis, I discussed the historical shift in the nature of the work that peyoteros do. Amada Cardenas, also known as “Peyote Rose,” is perhaps one of the best examples of a peyotero who made the transition from an old-school custodial role to participating in a market-driven, Texas-regulated Peyote economy. TDPS did not start keeping Peyote sales records until seventeen years after 1969 when Peyote Rose obtained the first DEA Peyote distributor license, so it is hard to say just how much she participated in the new federally- and state-regulated market (Maroukis 2010, 199, Stewart 1987, 335). Peyote Rose was a long time gatekeeper to the Gardens and operated as a distributor into her eighties. She passed away in 2005 at the age of 100 (Maroukis 2010, 199, Stewart 1987, 335). An exchange I had with Reggie Sope in our interview sums up the feelings that he and his family had about Peyote Rose.

Joe Ben Walker: ...Peyote Rose, did Miss Cardenas, did she, she was like a peyotero, right?

Reggie Sope: Yes, yes, that's what she was, and like in our tribes, that's where they come to deal with her, and she worked very, you know, to, to, from what I've heard and, and from the orders from what I've talked about. 'Cus from here, you know, we, we, if we don't go down ourselves, you know we'll order it through the mail, or FedEx or some other, an' that's how it was delivered to us, and she made sure that she, when it left her place, she made sure that it got to where, you know, where it was sent. And then.

JBW: That's good, she followed up?

RS: Yes, she followed up on all that to makin' sure that we were taken care of an', and uh through that, not only through the pilgrimage, but through the orders is how she knew some of the elder roadmen that were around here, 'cus some of them were handicapped, but you know that's what they did, when they conducted ceremonies. So through them and through their name, that's how, you know they were introduced thattaway, that's how she knew our elders, that, that ran

ceremonies, and there was a lotta' prayers and good things that were sent, you know for her and what she stood for, an' the Gardens, an' you know the area that she harvested and all that. And at that time, you know, that's where, she's the one that would send the message you know, "My Garden's not really doin' too good, I'm tryin' to let it grow." So therefore, you know, she went into another area and harvested, you know, she was honest about what things were bein' done, and the way that it was done.

JBW: Oh really!?

RS: So therefore, you know, our elders knew that, this didn't really come from her Garden. You know they knew all that already, 'cus she was pretty honest and direct, with you know the way she was dealin' that.

JBW: Okay. Wow! I didn't know that.

RS: Yes, and that's what our ancestors, our elders told us at that time, you know they, "she's havin' a little problem with her Gardens, they need little blessings." You know they asked where that.

JBW: So, so people here had a good feelin' about her?

RS: Yes, yes.

JBW: And they, they didn't maybe know her directly, but they knew her through that relationship and some communication back and forth?

RS: Yes.

This discussion exemplifies the role that Peyote Rose played and how she may have acted as one of the last custodians to the Peyote Gardens, rather than a business woman. At the very least, Reggie's insights and stories here help paint a picture of what the Peyote economy used to look like. Just prior to this exchange, Reggie told me that his father Tommy Sope visited the Gardens in 1970 right after Peyote Rose had become a licensed distributor. Tommy took the opportunity to harvest some Sacrament in his own spiritual way, and he looked back on the experience as profoundly beautiful.

Regulating Peyote sales has been a double-edged sword for the NAC. Peyote mail-order has been practiced by peyotists in North America since the end of 1881 on the Texas-Mexican Railroad which had stations in Los Ojuelos Texas, in the middle of the Peyote

Gardens (Stewart 1987, 61). Many peyoteros of the time packaged and sent the medicine to peyotists through the U.S. mail (Stewart 1987, 61). Federal and state laws of the time were hostile to and discriminatory toward the Peyote religion, however, so the railroad was a means to discretely transport Peyote in addition to being convenient and safe (Stewart 1987, 55-61). The convenience and accessibility of ordering Peyote from a distance is still great advantage to people. The later 1960s-era regulation of peyoteros and their sales in Texas have shifted the nature of the Peyote market to one “access-and-demand” principles where the supply of the Sacrament and the conditions surrounding its harvest are largely unknown to the public. Stewart and Morgan (1976) note that the peyoteros used to have a largely custodial role, less centered on monetary exchange than the modern peyoteros do.

Current Texas regulations that govern Peyote distributors have had the effect of removing language concerning how active role of a role Texas landowners can play in establishing relationships with NAC members who wish to harvest Peyote. Further, the language in these regulations seems to require peyoteros to confirm the identities and legal status of their customers without containing guidelines as to how to do so. One could ask the question, did the TDPS roll back distributor regulations in order to cut down on the administrative resources previously dedicated to, for example, collecting annual Peyote sales data? Is it a method that they have used to turn the peyoteros into pseudo-government officials tasked with determining and confirming the legal status of their customers, managing the entire supply of Peyote harvested for the NAC, and “certifying” that Peyote is harvested sustainably and responsibly? The roles that Steve Moore, James

Botsford, and other Peyote researchers have played in including language in these rules related to conservation and proper harvesting of Peyote are, no doubt important, but it seems that TDPS has washed their hands of a great deal of accountability in the affairs of the peyoteros. TDPS, of course, can request sales records from peyoteros, but those requests are on an ad-hoc schedule. It will be very interesting to see what the future holds for the peyoteros. Will they become more responsible as stewards of the Peyote Gardens than they currently are? Will they fall prey to non-Indians who purchase Peyote from them, due to a lack of oversight by TDPS? I believe that one thing is certain: the NAC should do all they can to establish themselves with landowners, for they are the greasewood, the prickly pear, the mesquite, and the agave that shade the medicine and allow it to flourish in the face of its increasing destruction and regulation.



## **Chapter 3: Discussion and Conversation from Interviews with Paiute Spiritual Leaders Reginald and Murray Sope: A Case-Study**

### **Introduction:**

In this Shoshone-Paiute Case Study Section I discuss the history and origins of the Native American Church (NAC) on the Duck Valley Indian Reservation (DVIR). I will use the insights of Reggie and Murray Sope on the topics of their access to the Peyote Gardens from ethnographic interviews I conducted in December 2019, and I discuss various topics which we discussed that illustrate the vast importance of the NAC on the DVIR. I rely heavily on my interviews with Reggie and Murray Sope to enrich the research and insights that I have gained through my work on these topics.

Reggie and Murray are the great-grandsons of George and Jesse Little, who are credited along with individuals from the Fort Hall Indian Reservation, with bringing Peyote and the NAC ceremony to the DVIR from the Fort Hall Indian Reservation and the McDermitt Paiute and Shoshone Reservation in 1934. Reggie and Murray learned the NAC ceremony alongside traditional Paiute spirituality from their grandparents, their father Tommy Sope—also a roadman-- and other of their ancestors. Reggie and Murray exemplify how the teachings of Paiute spirituality and NAC teachings align with principles of living virtuously and passing these examples down to the future generations. Their insights are rooted in these rich philosophical perspectives, and it is through these traditions that they related to me how the sacred medicine, Peyote, and its homelands should be treated.

I relate what I discussed with them to the focus of my research—the need for rekindling old and establishing new personal relationships between Texas landowners and the NAC with the issues of access to the Peyote Gardens by members of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and how laws, private land ownership, and little connection and relationships with the primary forces of landowners and peyoteros have resulted in the current in the peyotero-owned Peyote economy. To frame the history of the NAC at the DVIR, I use primary research by Omer Stewart and found in his ethnography Peyote Religion: A History from the 1930s and 1970s and his work with Jesse Little with along with Reggie and Murray Sopes' oral history about the beginnings of the NAC on the DVIR.

Omer Stewart (1987) lays the groundwork for scholarly research on Peyote at Duck Valley in his section about the Shoshone and Paiute peoples there (287-91). In 1936, Ben Lancaster arrived from the Shoshone-Bannock Fort Hall Indian Reservation to Fallon, Nevada with Peyote, and from there Bannock and Shoshone NAC members from Fort Hall took some to the DVIR for a ceremony (Stewart 1987, 287). Following this event, the NAC ceremony was adopted by many Northern Paiute individuals and families at Duck Valley, but at that time the “tipi” was opposed in legal, social, and political arenas by some of the Shoshone members there (Stewart 1987, 287-8).

This anti-Peyote Shoshone faction from the Western Shoshone Agency at Owyhee, the political headquarters of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, wrote a letter to then—Commissioner of Indian Affairs John Collier on January 14, 1939, complaining about the negative effects that Peyote was having on the Paiute NAC

members (Stewart 1987, 288). This Shoshone opposition focused their efforts on the Miller Creek Northern Paiute families and their NAC relatives who traveled from Fort Hall to bring them their Sacrament (Stewart 1987, 288-9). The letter described the Miller Creek Northern Paiutes NAC ceremony saying, "This group... regard its use as a form of religion, but because of its effects on different members of this group, we are convinced that the religious connection is not of importance." (Stewart 1987, 289). This letter also portrayed the Miller Creek NAC as, "lacking ambition," engaging in parental neglect and clannishness, and highlighted that their children did not do well in school (Stewart 1987, 289). Collier responded to their concerns and reminded them that the religious use of Peyote by American Indians was protected under federal law and it was not his office's concern to address their grievances (Stewart 1987, 288-9). Regardless of these past grievances, and I would speculate lingering disapproval of the NAC on the DVIR, in my interviews with Reggie and Murray, I heard about the immense importance that the NAC ceremonies have had there.

### **Reginald and Murray Sope: Backgrounds and the Beginnings of the NAC on the DVIR**

#### **Reginald Sope**

Reggie Sope is a Peyote Roadman and has practiced in the NAC for more than fifty years since he was a child of four years old. His brother Murray Sope was also introduced to the NAC ceremony at a young age, six years old, and became a roadman around 2007. Reggie and Murray were guided and taught the Shoshone-Paiute NAC ceremony by their great-grandparents Jesse and George Little, their grandparents, and their father Tommy Sope. Reggie noted that from the point of his introduction to the Church it was a process

of learning by observation and participation in ceremonies. Reggie informed me that they practice their ceremonies in a tipi today, but he also indicated that ceremonies did not used to be publicized due to the restrictive laws on Peyote religion and tribal opposition on the reservation in the past.

The first Peyote ceremony at Duck Valley was held at Jessie Little's home. In Omer Stewart's (1987) summary of the NAC at Duck Valley he mentions that he worked with Jessie Little as a translator because in the 1970s not many people on the reservation spoke English fluently (288). Stewart had visited Duck Valley in 1936 researching a "tribal element list" but did not hear of peyotism then (Stewart 1987, 287-8). When Stewart returned in 1972 to research the NAC, he was reintroduced to the Church's oldest living member, Jesse Little (Stewart 1987, 287). Jesse informed Stewart that the first meeting had been a healing ceremony for her husband George (Stewart 1987, 287-8). Jesse also informed Stewart that George had attended NAC meetings at Fort Hall prior to this (Stewart 1987, 287-8). The leaders of George Little's ceremony were his friends Raymond Warren, George Tendoy, and Ray Crow from Fort Hall (Stewart 1987, 288). Reggie recounted the story that Jesse shared with Stewart and himself about these times.

Reggie Sope: And then when it goes back to my great grandmother, it's in that book about the Peyote religion, is that in that time, Omar (Omer), Stewart. When he came down he met my great grandmother, talked with her, and uh I believe the first time he came down for uh, I'm not sure exactly what he did, but he came down with that little like survey deal. An' then uh, a few years later when he was workin' on the Peyote, when he came back down, and then when they were gonna' go around and talk to the elders at that time. You know they were referring him to use an interpreter at certain areas, 'cus you know at that time there are people still use the native language, you know some spoke very little English. So therefore, they advised him to use an interpreter, so you know. And uh, so he asked, "Is there an interpreter available?", "Yes, you can use Jesse." He worked with her before, and you know at that time Jesse came, "Oh yes! I can take you and show you around an' I'll do that for you." So, you know they were pretty confident in workin' together again. And so therefore you know my great grandmother was very active an' in our religion and then also

within our church. And uh, matter of fact, back in the thirties there, it was at her home that the first meeting, ceremony was conducted here on our reservation. On Duck Valley. And it has that in that "Peyote Religion" it has that all written down in there.

Reggie indicated to me that he was not sure if his parents and grandparents had a plan for him and his involvement in the NAC or if he was just a child who could listen, observe, and behave well in ceremonies. I imagine that his observation may be an indication of his humility.

### **Murray Sope**

Murray Sope is a NAC roadman like his older brother Reggie. In my interview with Murray, he explained the necessity of the formation of a charter through which NAC members from Duck Valley could obtain their Sacrament. Though the NAC ceremony has been practiced at Duck Valley since at least the 1930s, the Shoshone-Paiute tribes there have never had a formal chapter on the National Council. Murray also told me about the times that he spent caring for his father Tommy in his later years. Murray would take his father to ceremonies at McDermitt Paiute and Shoshone Tribes' reservation and the Fort Hall Indian Reservation when he felt up to going. Murray began leading NAC ceremonies around 2007. He told me about his many career paths ranging from journeyman electrician to iron worker to heavy machine operator and undertaker for the Tribes. Murray recounted to me some advice his mother gave him to, "Get all you can under your belt. All the careers you can." And in this vein of learning, Murray also expressed his commitment to teaching and sending traditional Paiute and NAC traditions on to the next generation. Murray references his mother's advice and explains what it means to be a teacher in the following excerpts.

Murray Sope: And you know like I say, I'm a teacher, I taught, taught my kids and my nieces and nephews, about our ceremonial ways and I'm still teaching them. An', you know, there's times that they remind me, "Oh well, Uncle remember you said this?", "Oh yeah, huh." And so it's uh, it's, it's really beautiful teaching, I stress to them that they need to teach their children, you know, that's the way I see it is, you know, how our mother explained it to us, they say, "You go on learning, and you never stop learning. Every day it's a new thing, every day you learn something new, and you never stop learning, even though you get old, you never stop learning, because your kids are there to remind you of thing that you need to remember. And then their kids, and so it's, it's the circle of life." Is the way she explained it.

...

MS: These are really good teachings, so I do the best I can to hang onto those teachings.

Murray informed me that Tommy and some tribal members from McDermitt traveled to Carson City, Nevada, in 1991 to meet with the Secretary of State to found the Native American Indian Church of the State of Nevada (NAIC of Nevada). From the NAIC of Nevada's inception, Murray served on the five-person panel. When the NAIC of Nevada held their first elections, Murray was elected custodian, which entailed ordering and distributing Peyote to their membership. Murray explained to me that the NAIC of Nevada is a non-profit organization and has positions of president, vice president, secretary, treasurer, and custodian. During Murray's time as custodian he ordered Peyote by mail from, then licensed, distributor Miguel Rodriguez. Murray explained that he ordered Peyote by phone using their chapter's permit, and it would come by mail in both green and dried whole-button forms. Below, Murray outlines the formation of the NAIC of Nevada, his buying relationship with Miguel Rodriguez which, according to Reggie, was handed off by Amanda Cardenas to Miguel Rodriguez, and how he prefers the green form of the medicine.

Murray Sope: Yeah, and um, I was um, I became um, I was a member under that chapter, and then as it went on they would hold elections, and so they nominated me and elected me as part of the panel, and so I became a member on that panel. And as it went on, well

they asked me to be a Custodian. So, I became a Custodian that was here in Owyhee area, and there was a custodian that was in McDermitt area. And so that's how I got to know Miguel Rodriguez, and all I would do is speak to him on the phone, and I would order the medicine, uh with a permit from the chapter. That's how I would get medicine.

Joe Ben Walker: Uh huh. So, is that like uh, issued by the state, that permit?

MS: Yeah, yeah, well it was issued by the state and all we had to do was keep records of who ordered and how much ordered, whether it was dry, whether it was green...

...

MS: Yeah, well so I did alotta' those permits so. And, and you know there's sometimes I wasn't really sure, but I would just have it come back to my mailing box, it would just come in a box, with newspaper to keep it padding, you know 'cus they mailing, I guess they just throw it around, LAUGHS, but some a' them did come bruised, like if we ordered them green, they came bruised.

JBW: Yeah, I hear, Reg said that you ordered fresh sometimes. Do you prefer that?

MS: Uh, it's, yeah, I like fresh. 'Cus the dry, it's to me it's, you know, it's, less of a quantity.

JBW: Okay.

MS: The, the green, you know you're able to dry it out.

JBW: Do they send the whole button, or do they take out anything before they send it?

MS: It's the whole button.

JBW: It's the whole thing.

MS: Yeah, just like how they cut it at a angle, and it's just the whole button.

JBW: Were most of 'em, do you feel like most of 'em were mostly harvested that way? In the right way?

MS: Yeah, I guess they uh, the, the people that gathered them really knew what they were doin'. They were all, they all looked pretty good to me, so I was satisfied.

JBW: So when you ordered the dry stuff, was it sliced?

MS: No, it was dried whole.

JBW: Dried whole button?

MS: Yeah a whole button, just dried.

JBW: And, you ordered like a thousand?

MS: Yeah.

JBW: Is that the, baseline quantity, er?

MS: Yeah, and alotta' times people came by and they just wanted like a certain amount, like maybe, at that time, I think it was like four hundred and fifty dollars for a thousand. And

the dry was a little, a little less. I think it was like four twenty-five, it was just a few dollars less.

JBW: Probably just for shipping, huh?

MS: Yeah, just for shipping, and um. You know, to me that was my experience, when I got them fresh, you know I was able to slice them and dry 'em out to get more of a quantity, yes.

JBW: Yeah, is that uh, is that process important to you, to be able to process it yourself?

MS: Yeah. Because, you know like um, we say, you know, we take care of it. And we take care of it in such a way that we feel good about it. Like, like if you were to prepare a meal for some, for some people, you wanna' do the best you can, you know, that, that's how I've always learned from my mother's teaching. If somebody comes by, you take care of them, maybe sometime you go over to their place, they may take care of you the same way, and so it's all part a' teachings.

Murray's final comments demonstrate his concern for the condition of the Peyote they receive and use in ceremonies. This importance of the condition and processing of Peyote as a medicine coincides with Reggie Sope's thoughts on care, respect, and conservation of all other sacred medicines and "ordinary" plants. I discuss this reverence for the ecosystem, medicines, and other "natural resources" in the next section along with many of the other important factors that demonstrate the vast importance of the NAC at Duck Valley, communicated to me by Reggie Sope.

### **Why is Peyote Such an Important Part of this DVIR NAC Ceremony?**

Reggie Sope has a lot of pride associated with the NAC ceremony on the tribal homelands where the DVIR sits today. He sees the NAC ceremony as a representation and embodiment of traditional values that have been handed down generationally which include a deep care for the environment and all the medicines that it provides for the people. In my interview with him, Reggie consistently referenced the teachings of his ancestors and his relatives. Reggie emphasized to me, that what I call "natural resources" have been given to his people by the Creator and should be treated with respect and



conserved for generations to come. Reggie noted that Peyote is no different from the local herbs, medicines, and other healing and spiritual resources on which the Tribes depend.

Reggie discussed his introduction into the NAC as a child by his parents, grandparents, and great-grandparents. His elders instilled in him the teachings that continue to intimately tie their spirituality with the environment and all the “resources” therein. Reggie also conveyed to me how both traditional Paiute spirituality and cosmology and the NAC ceremony are saturated with the principles of teaching youth how to live virtuously and the need to protect their sacred medicines for generations to come. The following excerpts outline Reggie’s beginnings in the NAC, the rich traditions based in nature handed down generationally to him, and how the NAC aligns with those teachings – despite the NAC’s relatively recent arrival at Duck Valley, and how important it is to share the knowledge about sacred medicines to the up and coming generations.

Reggie Sope: Yeah, so therefore you know that's the way we, were brought right into this. You know at a very tender age, about the time we start really understanding, like, let's see about three, four years old you know that's when it really starts sinkin' in. And from there, it's like it's all up to you to learn it from there.

Joe Ben Walker: Okay, so it's um, is it more of a personal journey than guided?

RS: Yes. I believe that's what it is, and it all stems back down into the teachings of creating of you know why the importance of man, the human, is you know, he was created last on the earth here to, to ask the blessings and to oversee and to, just to be the voice I guess where the nation and all that. We were taught that the nation is very sacred and very important to us all just on account that it feeds us, it provides you know clothing for us in that great ecosystem, to where it provides for the animals and, and you know we harvest the animals and we have to use these herbs again too, for doctoring purposes for our, our health. So therefore we, we were taught all this as, you know as I guess, you know preschoolin' time, and we were told to, to take care of nature around us before, you know. In other words to always think ahead and, and only you know harvest and use, you know what you need for that time, 'cus other people are comin' and they're gonna' need some of that support also.

...

RS: So therefore, it's a great teachin' that way, and we live that way every day and uh, do the best we can to represent what creator put us here for. And then, when it come down to it, you know our medicines and our herbs, that is very important not only to us at this time, but also goin' to the future, like you know our children, our grandchildren, so it's very important to make sure that they are told and taught this, but then it still comes down to that each individual, if they choose to pursue that avenue, then, then, you know that be their wish. But otherwise, you know on the other part, at least they were told and they were shared, you know, the importance of all these herbs.

According to Reggie Sope, the DVIR NAC has gone through ebbs and flows of inclusiveness and exclusiveness of individuals due to many factors, such as, the Shoshone opposition of the Church at the time when his grandmother held the first ceremony on the DVIR with his aunts and uncles in 1934 (Stewart 1987, 287). When I asked if the NAC has been growing on the DVIR, Reggie recounted that in the 1980s and 1990s that different rules were enforced by elders and NAC leaders. These rules were applied and relaxed on an ad-hoc basis regarding the involvement of youth in the NAC on the DVIR. The inclusion or exclusion of young individuals from Duck Valley or relatives from other reservations is very important because they are the next generation of practitioners. According to Reggie, some individuals who were children in the 1980s came back to practice and even brought their kids with them, and with this observation up front, Reggie notes how important young people are to the continuation of NAC traditions.

Reggie Sope: So therefore, just by lookin' at it like that, it did open up right here in the eighties, the gates opened up wider. They were bringin' little babies in, there were little noise, little cryin', you know little kids are, you know they can't really pay attention too long, and we came through that into the nineties. And then again, you know, it kinda' shut down a little bit. Not, not you know, not by anybody, not by any, any uh, anybody's say, but I guess according to the way the church is goin' to where it kinda' narrowed down again, just to not really elders, 'cus we don't really have too many elders left, you know the adults, it came back in again, and certainly with this, that now it, it, has grown, it has grown to where the little children that came in--in, in the eighties there, the came in. And they got to see that, they got curious about it, to when after they got into their later teens, their early adulthood, they came back and they brought some of their friends and they began teachin' them, showin' them, er introducing them to the ceremony. To where I feel that it, it grew, and that right now, we're at this, at that same deal, where I feel that it's come to that place

where the door's gonna' be open again. To where more kids are gonna' be comin' in. And just by seein', seein' that it does help our community out lots. 'Cus just like anywhere else, we have drugs, alcohol, we have all the violence and all that. Same as the other communities, and, and by these kids that are comin' in, and you know like personally with my hopes, with my prayers for them, is I would like to see these kids learn our, you know, learn the ways that we have our ceremonies. And be proud of who they are, to where they don't have to rely on drugs or alcohol, or even experiment that, I would love to have them know, you know what we stand for, and be proud of how creator made us. To where they can, you know stand up and say you know, "I have never touched it, I have never done that." I would like to see that, that's my hopes and prayers

...

RS: To me, it just tickles me to see that. We have one young boy over here, pretty much, he's just a young boy, his grandma and all that, they came into these, but then you know same deal he lost his father last year, and he come back into the church, he started listenin' to the songs, he started singin', and give him the chance right now and tell him, "whattya' think, should we tie a drum and sing right now?" He'll jump to it right now, you know, tie it up. You know to me that is a sure sign that our young people are interested.

This portion of our interview reveals Reggie's deep commitment to youth. Reggie also makes the point that these teachings should be available for all tribal members who are interested. I asked him about his desire to be inclusive with all the members of the NAC at Duck Valley and ones who come visit. He steered me back to where his idea of inclusiveness starts, the next generations. Reggie has fostered twenty-seven children over the years, and he noted that most of them wanted to come back to live with him full-time because of the physical freedom he was able to provide them on his land coupled with inclusion in ceremonies and a clean existence free of drugs and alcohol. Reggie also discussed how he takes opportunities to help steer young people in the direction of spirituality that is a part of their lineage. In Reggie's following excerpts, he tells how he would advise youth on spiritual matters. Reggie also emphasizes that is vital to keep ceremonies, both traditional and NAC, alive through teaching the next generations so that they are not lost through the mechanisms of acculturation and time. He used the comparison of Mandan language loss and preservation to make his points to me.

Reggie Sope: uh just to kinda' broaden that part, you know during, during, during the time that I moved to this home, I've lived heeeere, several decades. But uh during that time, you know the troubled kids, you know we all know the families, the kids an' stuff, and drugs and alcohol, they were a big factor in the kids' homes, you know bein' broken up. Through the court system, they talked around, they asked me to be a foster parent, at that time, you know, sign some papers, I was, uh, recognized by our tribal court system here and by the children's welfare of Idaho and Nevada to be a foster parent. So through that time I fostered and cared for uh, twenty seven children.

...

RS: Not all at once, but just, just, for a few, I think like the shortest stay was about two weeks for one of the kids. But then when they stayed here, they wanted to move in and live here. Bein' that the freedom, no drugs, no alcohol, ceremony was, you know, what, what was bein' taught around here. And you know they wanted to be, they wanted to live here, and just on that count I have horses that they can ride, and they have that freedom to enjoy their, their young period here. So that's, but by bein', bein, you know, doin' that I got a lot of respects comin' back from, you know, the foster parenting thing that I've done to them kids, to where they're bringin' their children back and they're learnin' our church ways and our ceremonial ways, and um, therefore it's real hard for me to pick who's gonna' go and say, "oohh, somethin' or whatever." 'Cus I'm just that kind-hearted, to where I've got my heart and my, in other words, my welcome extended way out.

...

RS: Yeah, we talked about Kwana Parker and the elders back then when they brought this, you know, Peyotism so far. And uh, so now it's, it's a must, you know for present day as roadmen, as leaders, and as havin' knowledge of the past ceremonies, it's a must for us to, you know, pass that knowledge forward toward the future. 'Cus I've heard that lots from, you know, my grandfolks is they referred to the elders that was in their time, when they were practicing, you know, gettin' involved with the church and how important and what words of wisdom, teachings that they shared, you know back during their era before, you know, the grandfolks' time. To where I feel that is very important in today's day and age. Just bein' on the count of just like what we talked about, like the Mandan, Mandan language over there, they lost their last one speaker and then up here, (indiscernable) lost their last speaker, and just on that, on that very though, that possibly could happen in our area, and in order to prevent that, we need to, you know, keep this knowledge goin', preserved and kept, you know, in honor and, you know, the sacredness of our ceremonies, that all needs to be addressed. In other words, you know, just, you know, puttin' it, you know, you know, like handing this book of knowledge and presenting it toward the future that way. To where we all know that it's, you know, same deal, you know, it's pick and choose, you know everyone has their interests in, you know, what they wanna' pursue, to where havin', you know, this kinda' knowledge passed around, is that whatever they, whatever field that they choose is important to them, that, that makes a big difference towards our future. 'Cus it takes us all to, to have a say and to have, you know in other words, it's not just our family that's in, in this, in this, uh, worship that we have. You know, others are coming, and some are just learning about it too and, you know some of their ancestry, you know, never, you know, never practiced it. And to where I feel, and I know that is very important toward, toward our future...

Reggie points out that the question of preservation of the NAC and traditional ceremonies need to be addressed. They are, “a book of knowledge” to be treated with honor and passed on to the future generations. Reggie stresses that the issue of cultural loss needs to be addressed, and he believes that the forms of spirituality he practices are a means to do so. I can apply these lessons to my research, as well. What will it mean if there is a continued breakdown in the mechanisms that previously connected Shoshone-Paiute people to the Gardens? What will it mean for the future of the NAC at the DVIR? How will the next generations be able to take active roles in the vital tasks of environmental preservation and the continuation of NAC spirituality which Reggie has made clear are areas of concern?

Reggie sums up the importance of the deep connections he has formed and maintained in the NAC by pointing out that these relationships cross generations, distances, and borders. He refers to his visits attending NAC ceremonies in Utah and Canada. The people that he has encountered along the way through the spiritual network of the NAC have become not just acquaintances but deeply bonded family. His bonds with different NAC practitioners cross distances without much difficulty, and I believe that new bonds could be formed in Texas with landowners and potentially with a newly established NAC presence which the Indigenous Peyote Conservation Initiative (IPCI) is working towards. I will discuss the IPCI and their missions in the conclusion section of this chapter, but Reggie’s discussion exemplifies the kinds of relationships that are so highly valued in the NAC and in his life and which I believe are a means to improve the minimal physical and spiritual connections which Reggie and Murray experience.

Reggie Sope: An' then, you know, that goes clear back to our teachings, our tradition, our customary ways, and you know we talked about it that our church family is not our blood family, or tribal, it's just that like what we talked about, you know the Tsos over there in the Dine tribe. We've got people that come up here an', an' like for myself, I've been adopted by some of the elders there. To where they call me their son, their grandson, or somethin' like that. You know that's the way that that respect and that love is bonded, you know, deep like that. Not only that, but I've been clear on up into Canada, and I've got that same, same tie up there, you know, "Come back, and anybody that comes with are more than welcome."

When I spoke with Murray Sope about the prospect of visiting Texas to see the Gardens in person, he gave me a very rich response which hit on several issues. Murray would like to know people in the Peyote Gardens on whom he could call to visit. He told me about the network of NAC people he knows from traveling all over the West with his family and how it would be very nice to experience the land and the Peyote in person. Murray also describes how his network of NAC members is maintained and grows and the strong bonds that are shared by those people.

Joe Ben Walker: So they bought that six hundred an' I think, San, Sandor's down there right now. He's always goin' back and forth, goin' back and forth down there, so. That'd be cool to see if you guys could go someday.

MS: Yeah, that would be nice. I, would, I would just love it.

JBW: Yeah, so like on that question of like relationships with people, say like landowners that are in Texas, do you feel like if you knew somebody down there who was friendly, you know maybe to your family back, back generations, or that you met and started to get to know, do you think that would start to open up some doors?

MS: I, I think so. But um, you know, I felt that I come to know Miguel Rodriquez, you know just by speakin' on the phone, because he knew my dad. You know just through, um, Amanda. And you know back then they gave her the nickname of Peyote Rose, so. It's, it's, you know, it's like I wanna' go down there, and you know I wanna' meet people, 'cus you know I'm that type of person, I like to, to know someone, you know, that way I can say, "Well, I know this person." And you know, my brother and I, well we're pretty much well known throughout these Western states, and it's a lotta' people that ask about us, and we have a lotta' friends out there through the ceremonial ways, you know. And I have taken my kids, my nieces and nephews out to different ceremonies, to different Peyote meetings. Like through New Mexico, Arizona, Wyoming, Utah, you know, California, you know, Nevada, Idaho. We've been all over, but I would like to take uh, my kids up to um, Montana

and maybe on up into Canada, you know 'cus I, want them to be able to experience, you know other tribes, with our church. But I know a few people out there.

JBW: LAUGHS, I bet! A few LAUGHS.

MS: Yeah, just a few, I'm gonna' say a handful.

JBW: You got big hands LAUGHS.

MS: LAUGHS. Yeah, 'cus I knew some people that were back from uh, Minnesota, throughout South Dakota, North Dakota, and just recently I just ran into a guy, he called me brother and, you know so. I started talkin' to him, the more I started talkin', then he said, "Wait! My uncles talk about you and your brother!" He said, "I finally got to meet you!" So I said, "Okay." He said, "Yeah you guys are well known back there in the Dakotas."

JBW: Oh man! That's great!

MS: Yeah, so it makes me feel good.

JBW: Yeah, that's like unifying for sure.

MS: Yeah, and we've got an adopted brother that's from down in Arizona, well, New Mexico area. His mom stays in Gallup and you know he was down in Sanders for a while, he was down there for about a year, and then he came back and he's like, "Yeah, he said I got a lotta' relatives and brothers that know you!" I go, "Who me!?" He said, "Yeah, 'cus I was down there and they were talkin' about you." They said, "That guy, he's a really cool guy, you know, takin' his kids an' takin' them all over." And then they asked him, "Well have you ever heard of him, or have you seen him?" So he laughed, he goes, "Yeah!" He said, "That's my brother, I'm bi up there." He says, "Ooohhh, okay!" [00:28:48.27] LAUGHS. Yeah, so he says, he was namin' off a lotta' names, I'm not very good with names, I'm good with faces, [00:28:59.24] LAUGHS but not names. But every once in a while, I'll remember a name. It's pretty cool.

JBW: LAUGHS. That's awesome.

MS: Mmhmm.

JBW: Annd teaching, ya' know, the traditions and the ways to a lotta' people, and in your ceremonial ways, and I mean that's just what you end up doin', and that's really cool.

MS: Mmhmm.

JBW: I thought, you know even havin' a little bit of land, or a little place, or someone who was friendly who you could see, like there's not that many tribes in Texas, right?

MS: I really don't know to tell you the truth.

JBW: Yeah, like I feel like that kinda' connection there, like, like you're speakin of, all around, all around the West where you've been, you got Indian people out there that, NAC people, but down in Texas, maybe not so much.

...

MS: Yeah, I think it would be good, you know, that we come to know someone down there that are private land owners. And, you know, like I say I'd like to experience that. You know where you could actually see the plant growin' on the ground. You know, I wanna' experience that.

Reggie and Murray have formed intimate ties with NAC members over decades of participation in the NAC all over the West and into Canada, but they have not yet made their way to Texas. I have gathered from my interviews that this has occurred for two reasons. First, Reggie and Murray do not have ties in Texas; no friends or relatives to visit. Their only established relationship has been formed with Miguel Rodriguez through acquaintance over the phone and through the mail. Note that Miguel is no longer a licensed Peyote distributor. Second, it is extremely difficult for them financially and logistically to travel to Texas, and to reiterate, they don't have contacts that they feel would facilitate their welcome and ability to visit and perform ceremonies in the Gardens. I believe that if there were a presence of NAC members operating in the Gardens as landowners and hosts, or even perhaps as licensed distributors that the kinds of familial ties, which Reggie and Murray have established through the NAC all over, would follow shortly.

### **On Syncretism of the NAC, Paiute Spirituality, Sundance, and the NAC at the DVIR**

According to Stewart (1987), Jesse Little was a Christian. Jesse told him,

"I'm a Christian lady. I go to the Assembly of God all the time. I prayed to God, worshipped God, worshipped Jess in the peyote meeting. The Christian church and peyote meetings are the same. I learned of Jesus in peyote meetings. In Peyote meeting they said Jesus is going to come back, just the same they say in the Assembly of God." (Stewart 1987, 288).

In my visit to the Absentee Shawnee Reservation in Oklahoma in 2015 for the PRP I, I was invited to sit in on a Cross Fire ceremony with members of the NAC from many different



tribes in attendance including: Navajo, Pawnee, Shawnee, Ho-Chunk, Northern Cheyenne, and others. The “legitimization” of the spiritual use of Peyote was born out of a need to organize in the eyes of the federal government. John Rave and Albert Hensley were instrumental in these efforts. John Rave was the first roadman to introduce the incorporation of the Bible into peyotism (Stewart 1987, 150). The ceremony was called Cross Fire and the Winnebago-based Wilson Big Moon ceremony was its precursor (Stewart 1987, 150).

The roadman leading the ceremony I attended in 2015 allowed me to speak about my prior research with WRG, Ltd., and what my goals were. I will not go into detail about the ceremony and its mechanics, but I would like to note that the roadman had a Bible and referenced Jesus Christ along with his prayers in his language. I was just an observer and sat next to our Navajo research advisors. I was asked to leave at the halfway point of the ceremony, because I was not allowed.

Reggie Sope also told me about how the Sundance religion, his traditional Paiute spirituality, and NAC religions are not mutually exclusive for him and that he knows many people who practice multiple forms of spirituality and religion. Reggie explained to me that his NAC ceremony includes elements and teachings from Sundance and traditional Paiute spirituality. All three traditions incorporate a deep respect for the natural and spiritual worlds and connect to Peyote preservation and conservation in this way. I asked Reggie about his experiences teaching youth about the NAC; I wondered if the Duck Valley NAC ceremonies were easier to pick up than other forms of traditional Paiute spirituality and the Sundance, which he is an expert in. I referred to Garrity’s (2000) work on the

adoption and expansion of the NAC to combat widespread alcoholism throughout the Navajo Nation following John Collier's 1930's-era forced livestock reduction which exposed shortcomings in traditional Navajo religions and their abilities to deal with these new addiction problems (524). Drinking among prospective and established chanters who are the traditional practitioners of medicine in Navajoland prevented them from learning the traditional chants from the previous generation (Garrity 2000, 524). The effort necessary to become a traditional chanter is a serious commitment requiring complete dedication (Garrity 2000, 522-523). The NAC is equipped to handle many types of addiction more readily than traditional Navajo chanting, and the NAC directly rejects the use of drugs and alcohol (Garrity 2000, 522-523). Reggie has already explained to us how life at his place afforded many of his foster children a life rich in ceremony and free of drugs and alcohol and exposure to them. Reggie's answer to my inquiry illustrates his understanding of NAC ceremonies, sweat lodge ceremonies, and the Sundance as paths that youth can take based on what their ancestors practiced or what works well for them personally.

Joe Ben Walker: Oh yeah! That's good. Do you think that it's um, 'cus you're both, you're a roadman, and you do traditional Paiute, right?

RS: Yes.

JBW: Do you think that uh, that the NAC is easier or, I don't know for a young person to start to learn? How do you feel about that?

RS: Well, in one sense I could say yes for some, cus you know we don't all have the same preferences or the same interests, so I would say, you know, on some parts it would be easier on some, to start on the NAC side. And then, for some it's easier to start, like let's say with our sundances, our sweatlodges, you know just gradually, you know build up to you know. But both sides, I wouldn't say they're easier. They're both fun, they're both exciting. Each ceremony is always, you know something to look forward to. So you know that, you know, that just knowin' the people around here, just by knowin' their family background, how they represent, how they're represented by their forefathers, you know

like if one of the children or somethin' were to come up to me I almost got an idea of which to direct 'em in. Which to where you know they'd feel confident. On that part too, I'd let them know, you know, this was your great grandfather, this is who he was, cus they don't know that, they're just kids and they don't know. You know, they weren't around at the time their forefathers were doin' that. So therefore, I'd let that known, put that interest in there, and let 'em know that their great grandfathers or whatever already laid these prayers down for your mother, your grandpa, you know and all of that, there's a prayer for you right there. So you know in other words, like just give 'em that little directive and that little guidance, to where you let them know that they're important, 'cus they're already prayed for even before they were even thought of.

### **On Pilgrimage, a Desire to Visit the Gardens, and Obtaining Peyote**

Reggie and Murray have always obtained Peyote through the mail. They have not made a pilgrimage to the Gardens; instead, this system was handed down by their father Tommy and their uncles. According to Reggie and Murray, Tommy visited the Peyote Gardens in 1970 and again in 1972. Tommy traveled with their uncle Stanley Smart and others to visit Amada Cardena's home in Mirando City, Texas. This was an exciting time for Tommy; he got to see the Peyote growing and was able to offer his respects. Reggie mentioned that there are a couple of living individuals on the DVIR who have visited the Peyote Gardens and that he has some cousins at McDermitt who also went there when they were children. Reggie and Murray recounted what Tommy told them about his visits. These visits are the living memories that Reggie and Murray have about experiencing the Gardens.

Joe Ben Walker: And um, so I just want to get you know your point of view on a lot of things maybe, the, the, the amount that you are familiar with maybe Texas? Like have you, have you gone there?

RS: Uh no, I have not, but in the years past my father, my late father and my late brother in law and a few of their uncles, they have made that trip down an' they talked about and enjoyed it and they made a couple trips, and to where just recently, like let's say within that past couple years we've talked about it and our family too to gather up to someday to make it down there, but we haven't just yet and ya' know it's in the process, we're talkin' about it, and it'd be somethin' neat to see.

JBW: Yes. When did uh, when did Tommy go?

RS: I believe that was right around in the seventies, in the early seventies, in the uh I believe that was 1970 and the next time I believe was 1972.

JBW: Okay.

RS: Somewhere in there.

JBW: Did he tell you about it much?

RS: Oh yes! They told lots about it, how the Garden looked and the feeling they got there. And to actually see the Peyote, there, you know where, where they're grown at, and the different sizes an' it was you know exciting to hear all that.

JBW: Yeah. Did um, did he know people in Texas?

RS: Uh during that time, I think Miguel (Rodriguez) an' then the late Amanda Cardenas. I think that's the ones that, that they went and dealt with when we were there, and I believe at that time they came back and told us that Amanda Cardenas, you know, the different tribes, they recognized her as Peyote Rose.

JBW: Yes, that's Peyote Rose, yup.

RS: So therefore you know that it is, it kinda' brought that little excitement to us to where someday that we'd like to make that that pilgrimage down there and be able to experience, you know, you know whatever feeling they talked about. And, they said it was very humbling, exciting, and then yet you know it kinda' showed them that it was very sacred, and uh [00:03:33.20] PAUSE you know just bein' around, bein' around the actual place, you know where it comes from.

JBW: Mmhmm. How Cool.

RS: Yes, and that made, made me, 'cus you know we've been, been you know brought up into the Church ways by bein' you know just little children and taught about the importance and the, and the sacredness of the ceremonies and all that, the songs and the prayers and to where, you know to actually go down there and to visit, you know, the Gardens itself, you know that. In other words, we were just told and taught to be this way. You know and when we actually go to the Gardens it would be like a you know, it'd, it'd be like a full teaching of you know from the start, you know to the Gardens, it'd be just like a full course teaching to actually be there and to feel that.

I would like to see that Reggie, Murray, and other peyotists and NAC members from the DVIR have a chance to see the Peyote Gardens in their lifetimes so that they can share

their experiences with youth. I believe that for them to experience the Gardens first-hand would empower them in preserving their spirituality and their medicine.

### **The “Gatekeeper Peyoteros” Compared to the Modern System of Procurement**

Reggie Sope explained to me how his ancestors used to buy Peyote from Amada Cardenas, aka Peyote Rose. According to Reggie, she would follow up to make sure that the Peyote shipment reached them. Cardenas would also give them little reports on the conditions of her supplies of Peyote including information on size, health, or if it needed to regenerate. Murray had similar things to say about Miguel Rodriguez. According to Murray, Rodriguez would give him reports on climate conditions that affected Peyote processing and drying.

Joe Ben Walker: All of it. In the Gardens, I think it's a hundred percent private. So did, did Peyote Rose, did Miss Cardenas, did she, she was like a peyotero, right?

RS: Yes, yes, that's what she was, and like in our tribes, that's where they come to deal with her, and she worked very, you know, to, to, from what I've heard and, and from the orders from what I've talked about. 'Cus from here, you know, we, we, if we don't go down ourselves, you know we'll order it through the mail, or FedEx or some other, an' that's how it was delivered to us, and she made sure that she, when it left her place, she made sure that it got to where, you know, where it was sent. And then.

JBW: That's good, she followed up?

RS: Yes, she followed up on all that to makin' sure that we were taken care of an', and uh through that, not only through the pilgrimage, but through the orders is how she knew some of the elder roadmen that were around here, 'cus some of them were handicapped, but you know that's what they did, when they conducted ceremonies. So through them and through their name, that's how, you know they were introduced thattaway, that's how she knew our elders, that, that ran ceremonies, and there was a lotta' prayers and good things that were sent, you know for her and what she stood for, an' the Gardens, an' you know the area that she harvested and all that. And at that time, you know, that's where, she's the one that would send the message you know, "My Garden's not really doin' too good, I'm tryin' to let it grow." So therefore, you know, she went into another area and harvested, you know, she was honest about what things were bein' done, and the way that it was done.

JBW: Oh really!?

RS: So therefore, you know, our elders knew that, this didn't really come from her Garden. You know they knew all that already, 'cus she was pretty honest and direct, with you know the way she was dealin' that.

JBW: Okay. Wow! I didn't know that.

RS: Yes, and that's what our ancestors, our elders told us at that time, you know they, "she's havin' a little problem with her Gardens, they need little blessings." You know they asked where that.

JBW: So, so people here had a good feelin' about her.

RS: Yes, yes.

JBW: And they, they didn't maybe know her directly, but they knew her through that relationship and some communication back and forth?

RS: Yes.

In the following excerpt, Peyote Rose recommended Miguel Rodriguez to carry on her business with members of the Sope family and others.

Joe Ben Walker: Okay. So, how do you, an' did you say Miguel worked with her?

RS: Miguel, after a while she referred Miguel to, to kinda' take over, well to in her elder years there, she asked Miguel to. And she responded back to our people and said, "Okay, Miguel is handling all that." And, and same deal, you know, bein' direct and honest about the way and the things she dealt. The things she dealt, she let our people know about that, and that's where Miguel, he come along, an' that's how I guess we continued that. The dealings with Amanda through Miguel.

JBW: Okay!

RS: And Miguel, he picked right up 'cus it sounds like he's been by her side for quite a while, and he picked up from there, and through that also, you know same deal, like with my brother and I, he, he has never met us, but he knows us by our name and, you know, I guess from the past dealing. Dealings, dealings with Amanda from our ancestors here.

JBW: Okay.

RS: So therefore, he's, he's pretty informed about our area.

JBW: That's good. How do you feel about, about how he's picked up, or carried on what she was doin'?

RS: We feel pretty confident in, in him. We do, we do feel confident, 'cus he's the same, you know Amanda did tell him to let them know about the Gardens and what, and like you know the same deal, like if it was harvested outside or within their own area, and he's done that, you know, he's, he's, if we called him or whatever, he'd say, "Right now there, there's, it's kind of down low a little bit." Or, you know he'll tell us about how the market is right there one what he has, and what he can provide. So yes, we feel confident in, in his way. And then the last that we've been hearin' was the report that we got back from him, is that, you know, "I feel confident dealin' with you guys, but you know on certain deals, you know there's questions, so I don't, don't wanna' step out of the boundary by dealin' with somebody I'm not supposed to." So therefore on our deal, he, he knows where we're at, so he doesn't hesitate on that.

Murray Sope had this to add on the topic of purchasing Peyote from Miguel Rodriguez in the past.

Murray Sope: Yeah, a lotta' the times I've ordered from him, it's more like the summer months. He said it was kinda' hard to dry them, because it's so humid, so you know, he couldn't really get us any dried, like say maybe around June, July, August, somewhere in there. 'Cus it was just so, he couldn't dry them, 'cus it was so, the air quality, I guess you'd say, the, the humidity.

The kinds of relationships which Reggie and Murray Sope have with Miguel Rodriguez and the ones that their relatives had with Amanda Cardenas have functioned well for their purposes. They can be characterized as transactional and moderately informative but not personal. Murray expressed to me that in his time as custodian of the NAIC of Nevada, he always had positive and fruitful experiences buying Peyote from Miguel Rodriguez, and Reggie had similarly good experiences in his interactions with Rodriguez. According to Reggie and Murray, Rodriguez informed them when he was unable to send them Peyote and they feel that he carried on that practice from Amanda Cardenas' mode of operation as a peyotero. Reggie and Murray both wish to have a greater connection to the Gardens, however, and to the people who ultimately control access to Peyote.

**Conclusion:**

The relationship that Reggie and Murray have with Miguel Rodriguez is the product of a history of acquaintance that their father Tommy and their uncles originally had with Amada Cardenas and later Rodriguez, which has provided them a mutual trust for each other. Reggie and Murray have not met Miguel Rodriguez, nor do they know him in a deep capacity. Reggie and Murray inherited their relationship with Rodriguez from their relatives, and today it amounts to phone contact and verification of their tribal and NAC memberships. What I gather from my interviews with Reggie and Murray is that Miguel seemed to be on the up-and-up in his business practices; he informed them when there were shortages, if the weather was not good for processing, and if the season was not right for picking. Reggie's and Murray's relationship with Rodriguez is based on an immense amount of trust that many, and I would venture to say most, NAC members instill in their Peyote distributors. With no physical connection, no history of visits to the Gardens by much of the contemporary NAC membership, and no relationships with the literal gatekeepers, landowners, trust is all that most Church members have to rely on. It is for this reason that I do not wish to stir the pot and criticize Reggie's and Murray's well-established rapport with Rodriguez. I would rather comment on what I know and what Reggie and Murray can really know about the supply of Peyote in the Gardens.

What we are dealing with here is, again, access. The supply of Peyote in question which Reggie, Murray, and much of the NAC nationwide rely on is found on land with viable and undisturbed topsoil and habitat within its native ecosystem, and perhaps more importantly, it is located on the pieces of land which the peyoteros have been able to gain



and/or maintain access to. With these known factors, we can move in the direction of understanding what is really happening in the Peyote economy today. If the landowners are the literal gatekeepers to the Gardens, then the peyoteros are the metaphorical gatekeepers of knowledge, access, and control of the supply of commercially available Peyote.

As noted, Reggie and Murray have not dealt directly with Miguel Rodriguez since the early 2000's. Instead, Murray informed me that today his relative is the custodian of the NAIC of Nevada at this time, and that she currently handles purchases and distribution to their membership. I would be interested to know which distributor they are using, now that Rodriguez is no longer licensed by the DEA, but this will require further research. It seems that the Reggie and Murray have always had a lot of confidence in Rodriguez and trusted that Rodriguez would take care of the supply he had access to. At the same time, it seems that during the time they dealt with him directly, he held most of the power in the transactional process, which is commonplace in the NAC.

The NAC membership depends on peyoteros for their supply of ceremonial Peyote, updates on the Gardens, and their ethical and sustainable harvesting practices. Since the peyoteros hold most of the control of the supply Peyote and its distribution, it is difficult to say how much motivation that the current generation of peyoteros has to remain up front and truthful to their 250,000-plus customer base.

Peyoteros operating today are required to operate under a DEA license and be in compliance with TDPS regulations, but considering the substantial rollback of Texas rules governing them we are in a situation where one party holds nearly all of the power over

NAC members from the DVIR and nearly all other membership's Sacrament of Peyote.

Reggie and Murray both believe that Peyote should be protected for the generations to come, and they both informed me that the NAC and the medicine have continuing positive impacts for all who choose to follow that path ranging from elders to the youth. Reggie and Murray both would like to visit the Peyote Gardens to make a physical and spiritual connection there and would also like to establish a familiarity with landowners there and see more American Indians involved in the Peyote economy directly.

In the conclusion chapter to this thesis I will discuss how the IPCI is working towards these and other goals which will help to establish an NAC presence in the Peyote Gardens and their participation in the market. I will continue to use material from interviews with Reggie and Murray and also my interviews with Steve Moore and James Botsford, who are directly involved with IPCI's missions. I will draw parallels with IPCI's missions and Reggie's and Murray's perspectives on the protection of Peyote's habitat and the possible future inclusion of members of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and comment on how my research model could be scaled to increase the connections that other tribes have with the Peyote Gardens and their gatekeepers.

## Chapter 4: Moving Forward with Relations and Respect

In this thesis I have discussed the ongoing status of Native American Church (NAC) and peyotist access to their Sacrament, Peyote. I demonstrate that Texas Department of Public Safety (TDPS) rules which regulate Peyote distributors (peyoteros) were diminished in 2016 as an effort to put much more control of the Peyote economy into the hands of the peyoteros. I elicited conversation with Reggie and Murray Sope on their experience purchasing Peyote at the Duck Valley Indian Reservation (DVIR). We discussed their ongoing relationships with a former peyotero, Miguel Rodriguez and the origins of that relationship through Amada Cardenas (Peyote Rose). In addition to the information on tribal access to the Peyote Gardens which I gained from Reggie and Murray Sope, they also discussed the importance of the NAC ceremony and traditional Paiute spirituality in their lives and for those on the DVIR, and tribal members living elsewhere.

Since Reggie and Murray are Peyote roadmen, they have traveled a great deal around the Western United States and into Canada attending and running ceremonies. They have made close, familial ties with people on these trips, and continue to do so today. Murray even told me about a time in New Mexico where his reputation preceded him. Murray met a man who heard about him and Reggie in the past. At the end of the conversation, they called each other brother. Stories and experiences like these which Reggie and Murray told me exemplify what can be gained by simply meeting and practicing ceremonies with others in the NAC tradition.

Though Reggie and Murray have traveled all over the West and to parts of Canada to participate in and conduct ceremonies, they would like to create their own NAC chapter at the DVIR. Reggie told me that he would like to build a “church” or a community center where not only the NAC could operate, but also where he could teach the youth and others about traditional Paiute spirituality. Reggie recounts the first NAC ceremony on the DVIR at his great grandmother, Jesse Little’s home in 1934 and discusses how times have changed since then.

Reggie Sope: As for now, eee, we would, we would like to have what we call a ceremony house, I guess a place to where we can gather. ‘Cus anymore now, in the winter time, we can't set up our tipis. I guess we can, but in the winter times it'll be cold, you know 'cus during that time, that was in January when the first meeting, when the first ceremony was taken at Jesse's place, it was in January and they said they had to shovel about three feet of snow and move it to clear out the area for the tipi to sit. But you know that, our people back then, they were stronger. And they were out pretty much you know stayin' in the tents, to where nowadays, you now, we've softened up so much to when it gets too cold, you know we'll cancel everything and, you know, go warm up. LAUGHS.

Reggie would like a place where he could hold Peyote ceremonies year round. This would of course require funding, building materials, and a lot of help to build. Reggie discusses what is like getting older, and how the years are not slowing down for him. Reggie’s consistently mentioned how he would like to involve the youth as much as possible in community based activities and spirituality. He proposes the idea of a community center and/or place of worship where many different activities could take place.

Reggie Sope: To where, you know, we do need a ceremony house, an', and you know for starters, you know it can, we're kinda' lookin' at our own little area, our own little section of our area. Putting it to where they'll have a little parkin' area, and some, somewhere where an eye can be kept on it. For starters, but you know, eventually we'd like to have a nice permanent one somewhere. And, it wouldn't only be used for our ceremonies. You know the children, the grandkids and whatever, they have their little clubs and whatever, and their little activities that they have. And ya' know bein' heated and everything there like within the sink and the cookin' area, with all that bein' there, the kids can have a place to do their little gatherings and whatever, let's say boy scouts, girl scouts, you know whatever. You know sometimes they have their little overnight stay or whatever, you know that would

be a perfect place, and you know bein' that it's a church, you know that we're hopin' and prayin' that it will be respected.

Joe Ben Walker: Yeah, it's gotta' be a safe, nice, good spot, huh?

RS: Yes. But there's a lot of things that we wanna' do, but the years and the age ain't really helpin' 'cus it's creepin' up pretty fast. But you know in the long run, I would like to, you know, personally I would like to set up a place, and that way you know through my golden years I can enjoy it with the kids an' then some of the knowledge that I have, I would be able to share that with them, or you know, let them know how it was back, you know, during my time and the stories that was told before my time. You know, to preserve that, to share that with them.

JBW: That needs to happen?

RS: Yes. And you know that's my goal, is I'd like to do that. And you know not really for the recognition, but for the importance of the value of our culture, our heritage, and our language. That all needs to be there.

In Reggie's usual modest way, he doesn't want to take any of the credit if this kind of center were to be built and instead he reiterates the importance of cultural, linguistic, and spiritual heritage preservation. Murray Sope also expresses a great deal of concern for the continuation of the teachings he was handed down by his ancestors. He discusses with me how his family, at least, could establish a way to grow their own Sacrament and continue their ceremonies in the future. In this exchange between Murray and myself, he also touches on the topic of cultivation, which I will discuss the legal and practical implications further.

Joe Ben Walker: You think uh, trying to grow it places other than Texas, you know? Let's say you transplant it yourself?

Murray Sope: I think if you transplant it, that you have to have it in a warm place, because you can't very well use the soil, the native soil of the area you're at, because it differs from that soil down there. So if you transplant it, well you would actually have to bring some of that soil with it in order for it to grow.

JBW: So is it better off stayin' there?

MS: I say it would be better off, like it would be able to maybe, maybe get a certain amount of it and transplant it. Like put up a building, a heated building and planted it in there. Like

a greenhouse, but not as thin as a greenhouse. You know maybe a building that's warm in the winter, because I've noticed that that freezes if you get it in the cold. It's just like.

JBW: Yeah, it don't get cold in Texas.

MS: Yeah it doesn't get cold in Texas, but if you put it someplace else, well it's gonna' freeze because it's used to that warm climate. So I think that if you did, if, if, if a group of people were to transplant it, you'd have to bring some of that soil with it. I, I, I don't know, but that's just my way of thinking, 'cus I done a lotta' landscaping as well, so I know the different, you got the top soil and you mix soil layer it, topsoil, subsoil. I understand how that is, and I do see where, where people wanna' plant grass, and what they'll do is mix up the ground and they'll put grass seeds, some of it comes up, not all of it, because the soil type is different, so that's what I've seen. I'm not a gardener, just.

JBW: Just, you just, that's what chaining does.

MS: Mmhmm, yeah it mixes up the subsoil and the topsoil, and when it does that, well what do you do when you mix up uh, say soda and coffee, well it spoils it. So that, that, part of that cultivation does that.

JBW: You think uh, do you think that'd be somethin' long-term that, I mean I don't wanna' say the tribes here, I'd say, I'll just ask you, is that somethin' you'd like long-term?

MS: Yeah, like maybe for instance, my family would get together, went down there, maybe took a dump truck and got a load a' that, just the topsoil, not the subsoil, just the topsoil, and brought that back and like I say, put it in a building. To where it's got heat all the time, 'cus it's a different type a' climate. So that's what I would do. That's what I'd like to see, that way we can say, "Well hey we need some more." That way we'll have it here and it'll be plentiful. That's just my way a' thinking.

Murray would like to build a greenhouse on the DVIR for his family, and he is not alone in his desires to cultivate his own medicine. The legality of NAC members cultivating their own Peyote is possible, but regulated by the Drug Enforcement Agency (DEA). The DEA began regulating Peyote as a Schedule I controlled substance in 1970 as a part of the *Controlled Substances Act* (Terry & Trout 2013, 317). Along with the Schedule I status of Peyote comes the DEA's duty to make Peyote "difficult to obtain," which does not allow for NAC membership to obtain enough Peyote (Terry & Trout 317).

Terry and Trout (2013) consider cultivation an inevitability in the face of a declining Peyote population and unsustainable Peyote economy (Terry & Trout 2013, 315-316, 318). The American Indian Religious Freedom Act (AIRFA) amendments of 1994 contain language

on the possibility for American Indians to cultivate Peyote (Terry & Trout 2013, 317). The law, “does not prohibit such reasonable regulation and registration of those persons who cultivate, harvest, or distribute peyote as may be consistent with the purposes of this Act.” (Terry & Trout 2013, 317). However, in order to implement this possibility the DEA would also need to create legislation which explicitly states that the declining availability of wild harvested Peyote compromises American Indians’ ability to obtain it (Terry & Trout 2013, 317). The DEA holds the legislative power to allow American Indians to cultivate Peyote. If the DEA continues not to act on this topic in the face of declining Peyote populations, the U.S. Fish and Wildlife Service could need to step in and declare Peyote a threatened species under the Endangered Species Act (Terry & Trout 2013, 317). If this were to happen, Peyote would be unavailable to anyone.

These legal complexities on cultivation and ones that I discuss in chapter two, such as, the 2016 TDPS rollbacks in Peyote distributor regulation, point to a potentially grim outcome for all of the tribes who depend on Peyote for their ceremonies. Protecting the Peyote population in its natural habitat is extremely difficult since the NAC and peyotists are dependent on a system which includes many “gates” between them and their Sacramento. Terry and Trout (2013) mention that there would be a ten year lag in the first cultivated commercially harvestable crop of Peyote due to initial set-up of greenhouses and to allow enough time for the Peyote to reach maturity (320).

Instead of passing legislation on tribal cultivation of Peyote, I have proposed that the NAC and peyotists need to establish relationships with private landowners in the Peyote Gardens. Though the 2016 overhaul of TDPS Peyote distributor regulations appear

to favor distributor control of the entire supply chain, NAC members and peyotists could potentially become less dependent on peyoteros by rekindling dormant landowner relations and forming new ones. Private land owners are the bridge over these gates. These relationships with landowners would require relations trust, research of Peyote populations, and proper harvesting techniques and harvest-intervals. In 2018, the Indigenous Peyote Conservation Initiative (IPCI) purchased 605 acres south of Mirando City, Texas, referred to as “The 605.”

The Riverstyx Foundation operates the IPCI as a non-profit organization. On the Riverstyx foundation website, you can find information on The 605. A statement on their website reads,

“For the first time in the history of the Native American Church, this project is helping native peoples to steward their own land within the sacred Peyote Gardens through the purchase of 605 acres in Southwest Texas. The land will be a site for indigenous peoples around the country to pilgrimage and once again have direct and prayerful connection to their medicine in its natural habitat. From a conservation perspective, this land will serve as a demonstration and research site to explore sustainability of current Peyote populations, as well as propagation of Peyote seedlings.” (Riverstyx Foundation Website, 3-29-2019).

Steve Moore informed me that, he, Martin Terry, and leaders from several NAC organizations serve on the board of directors of the IPCI. Beginning in 2016, Steve Moore and James Botsford met ranching landowners from the Peyote Gardens on IPCI trips to the Gardens. Steve and James had productive and good natured conversations with those ranchers in these meetings. The ranchers recounted living memories of American Indians visiting their ranches when they were children to harvest their own Peyote and conduct ceremonies.

James Botsford put it well, saying that NAC and peyotist relationships with ranchers were “dormant,” not dead. James’s word choice gave me hope and optimism. If the NAC



and peyotists are able to rekindle and establish new relationships with these ranchers, they can take more active control of their own supply of Peyote.

In addition to allying with ranchers to solve the problem of minimal tribal connections with their Sacramento and its homeland, Reggie and Murray Sope recounted how they can establish deep relationships of their own with other NAC members and peyotists quickly. If we examine the successes which Reggie and Murray Sope have had in forming familial relationships with peyotists and NAC members all over the Western U.S. and sometimes crossing national borders into Canada, those principles could carry over to a more well-established American Indian presence in the Peyote Gardens. Furthermore, Reggie and Murray teach and practice a deep respect for the interconnectedness of all the natural “relations” in their worlds. Reggie contextualizes these relationships in his traditional spiritual and cosmological framework in the following excerpt.

Reggie Sope: Pretty, pretty much. It's, it is basically what we're told and taught to, you know. Same deal like that, we have to harvest it, and then everything is very, very important clear down to the noxious weeds part, you know to, to they have a significance and also they have an importance. You know to, for the air itself, and for the other plant nations, 'cus you know, it's the same deal, you know these plants can't really survive without you know this plant, cus it's got a reason, a specific reason to either clear the air, to, you know, to fertilize the ground with their roots, or you know down into that science on that, you know there's a specific reason on that. So therefore it is very important. You know when the fires come through and burn, you know some areas, you know the BLM or whoever, they wanna' re-seed it with a non-native vegetation, which is okay, you know it helps the range, but you know on the other hand, you know it's important for our native roots to come back in also, just on that count, you know 'cus it holds that balance within the other, the other plants that are in that area.

The established Peyote economic system encourages peyoteros to harvest as much Peyote possible to feed an increasing demand (Terry 2007, Slide 9). I do not believe peyoteros or their employees possess the same reverence for nature that individuals like Reggie and Murray Sope do. Peyoteros are operating their businesses based on profit, and like many

capitalists, they consider the environment an externality. The combination of traditional Paiute spirituality and environmentally conscious principles shared by the NAC and the formation of a new NAC presence in the heart of the Peyote Gardens is a powerful force which can potentially help reconnect peyotists and NAC members with their Sacrament in a sustainable and spiritually meaningful way.

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## **Appendix A: Research Methodology**

### **Introduction**

In this appendix I discuss the methodology I used to conduct my thesis research. I will summarize the methods I used including: in-depth, semi-structured ethnographic interviews, critical analysis, and literature review. I summarize the logistics and other tasks I took on to complete my ethnographic interviews. I discuss key points in completing and the reasons I needed to conduct the University of Idaho Institutional Review Board (U of I IRB) approval process. Finally, I summarize my process of coding and analyzing my ethnographic interviews.

### **Primary Methods**

As an ethnographic case study, I have used a qualitative research design in this thesis. I conducted in-depth, semi-structured ethnographic interviews with my research participants, Reggie and Murray Sope, to collect primary information for my thesis. In addition to interviews, I consulted with two legal experts, Steve Moore and James Botsford, in the arena of the Native American Church (NAC) and legislation related to Peyote as well as to obtain advice and information on the complex Peyote economy and laws governing peyoteros. I communicated with Steve and James by telephone and email. I conducted an in-depth literature review. In Chapter 2 I relied heavily on scholarly background research. I summarized a history of significant legal events for the NAC which pertain to my legal research. I also defined Peyote—the plant and its range,

offer an analysis of laws affecting NAC members and Peyotists, and to summarize prior research on the history of the NAC on the Duck Valley Indian Reservation (DVIR).

### **University of Idaho Institutional Review Board Application Process**

The importance of protecting invaluable information on sacred American Indian information was fundamental to conducting my research in a respectful and productive manner. The University of Idaho Institutional Review Board (U of I IRB) requires any research undertaken by students which includes “human subjects” to be approved by them before beginning. Human subjects in the case of this research are individuals over the age of 18.

As a master’s graduate student, the U of I IRB also required me to update my Collaborative Institutional Training Initiative (CITI) training before I conducted any research with “human subjects”. The purpose of CITI training is to test the researcher on the components of ethical research. I refer to Steve Moore and James Botsford as legal consultants and to Reggie and Murray Sope as research participants rather than as human subjects. I completed several modules on the CITI website as a student of the University of Idaho on topics including: privacy and confidentiality, assessing risk, and unanticipated problems and reporting requirements before I could apply to the IRB.

According to the University of Idaho website under the “Human Research Protections” section, my thesis research met the criteria of including “human subjects” (Accessed 3-30-2019). I found this information under “Research” located under “Step 1 – Does my Project Need IRB Approval?” found on the “IRB Policies and Procedures” website (Accessed 3-30-2019). To begin my IRB approval process, I submitted an



application to the U of I IRB in November, 2018. The U of I IRB approved my project entitled *Reconnecting With the Sacrament, Peyote: an exploration of legal, economic, and social barriers to the Peyote Gardens affecting American Indians* on November 27, 2018. Once I obtained U of I IRB approval I could step beyond literature review and conduct ethnographic interviews.

I attached several research documents to my IRB application. My “Semi-Structured Interview Guide” includes 8 questions related to my research. I also drafted and submitted an informed consent form which includes a summary of my research and its purposes for participants. I reviewed the informed consent form with all research participants and obtained their signatures prior to conducting any interviews. The informed consent allowed participants the choice to include personal identifiers, or not. It also allowed them to stop participating in this research at any time.

My IRB application includes general information like the title of this research project, my curriculum vitae, a description of previous research using ethnographic methods, a an abstract of my research design, design methodologies, my department, and my thesis committee chair- Dr. Rodney Frey’s, information. The U of I IRB also required me, the student researcher, to submit any documents and research tools involved in my project including an interview guide and an informed consent form.

Dr. Frey reviewed and approved all of the information which I completed in the application process and approved them before I submitted them to the IRB. I have provided my U of I IRB certificate of approval, my semi-structured interview guide, and my informed consent form in the appendix section of this thesis.

Perhaps the most important part of the IRB approval process was the involvement of the Shoshone-Paiute tribes. My goal in this research has always been to complete a piece of work which would be of help and of practical use to the tribes and to my participants—Reggie and Murray Sope. The U of I IRB requires the researcher to obtain special permissions from tribal communities with whom they work. Some researchers in the past have used extractive, deceitful, and/or destructive practices when working with American Indian tribes and other Indigenous groups, and it is for this reason that the U of I IRB requires extra protections, like tribal approval, before researchers are free to work with these tribal members. To satisfy this requirement, I worked directly with Chairman Ted Howard of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and their tribal Cultural Resources Director, Lynneil Brady, in drafting my tribal approval resolution. Ted Howard approved my research on October 29, 2018 in an official Shoshone-Paiute tribal resolution.

### **Ethnographic Sampling**

I relied on my past relationships with Ted Howard, Reggie Sope, and Murray Sope in order to plan my December 2018 trip to the Duck Valley Indian Reservation (DVIR) to conduct my ethnographic interviews for this thesis. I have known Reggie since I was a child of about seven or eight years old and Murray for about the same amount of time. Reggie and I have developed a nice acquaintance and working relationship over the years when I began working on the DVIR with Walker Research Group, Ltd. in 2011. I became closer with Murray in 2013 when my father Dr. Deward E. Walker Jr. and I interviewed his father Tommy Sope for a different applied ethnographic project for the tribes. My

relationships with Reggie and Murray Sope translate to what is an intensive sampling method. I also based my decision on their expertise and on their reputations as eminent spiritual leaders in the NAC.

I travelled to the DVIR from my home in Palouse, Washington on December 14, 2018 with the purpose of interviewing at least Reggie Sope and one other Peyote roadman. This other individual, whom I will not name, is not an enrolled member of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, though he works for the tribes, is married to a member there, and has lived there for years. I was under the impression that the individual was a Shoshone-Paiute tribal member. I did talk to this individual informally for about an hour on December 17, 2018. At this time, I was unsure if I would gain U of I IRB approval to interview this individual. Dr. Frey inquired about this question directly with the U of I IRB office and it did turn out that I was allowed per IRB rules, however I still chose not to pursue a formal interview with this individual because I simply ran out of time. I would have preferred an in-person interview with this individual, but I would have needed to make another trip to Duck Valley which would have been a personal strain both logistically and financially. If I continue to research Peyote and the NAC at Duck Valley, I will likely try to pursue a formal interview with this individual.

During my interview with Reggie Sope—Paiute Peyote roadman and spiritual leader, on December 15, 2018, his brother Murray came over to his house. Reggie had informed Murray on the phone earlier that day about my research project. I asked Murray while he was there if he would like to participate and he agreed. I met with

Murray the following day at his house about a quarter mile away from Reggie's. It was serendipitous that Murray was interested in my research and available to participate, since I was unable to interview with the other individual. Reggie recommending Murray is an example of snowball sampling (Bernard 2002, 185).

### **Ethnographic Interview Process**

During my in-depth, semi-structured ethnographic interviews with Reggie and Murray, I used my interview guide only loosely and tried to let them speak as freely as possible on the topics of their access to the Peyote Gardens. Bernard (2002) outlines how the semi-structured interview process keeps a clear goal in mind, in my case to discuss Reggie and Murray's experiences accessing Peyote, but allows elite participants to express a lot of information in a relatively short amount of time (205). My strategy of not being restrictive in our interviews resulted in Reggie's and Murray's rich and detailed descriptions of the various issues related to the Native American Church (NAC) on the Duck Valley Indian Reservation (DVIR). Personally, I felt that this was the most respectful way to conduct my interviews because I was welcomed into their homes, on their time, to discuss very important and sacred topics related to their spirituality and ways of life. Our unconstrained conversation was more authentic than a heavily structured interview and it allowed me to identify extremely important factors surrounding Peyote that I had not originally intended on focusing on. Most importantly, our interviews allowed Reggie and Murray to speak freely, and refrain where they felt necessary as they provided me with wonderful insights. I believe the tribes will find these rich and fairly comprehensive conversations informative and useful for current and future generations who are curious

about the history of the NAC on the DVIR and for those who want to access information from spiritual leaders.

I kept in touch with Reggie and Murray via telephone after our interviews, calling them every two weeks into April, 2019 since my research began in December, 2018. I would call them with questions about the stories they told me. I would also make sure that the information I included in my thesis was accurate. It is my responsibility to make sure that they are included and informed in my research proceedings.

As I reflect on my interviews with Reggie and Murray Sope, the thing that stands out to me is my time constraint. I wish I was able to spend much more time with Reggie, Murray, and others to learn more deeply about their experiences obtaining Peyote, about their ancestors like their great grandparents Jesse and George Little, and to learn more about what they would like to see happen for the NAC in the future. I also wish that I was able to go to Duck Valley again in the Spring semester of 2019. The periodic phone calls I made to Reggie and Murray served in lieu of in-person follow-up meetings.

### **Consultation Correspondence with Legal Experts**

I relied on phone conversations and email correspondence with Senior Native American Rights Fund (NARF) Attorney, Steve Moore and retired NARF attorney and Supreme Court Justice on the Winnebago Tribe of Nevada James Botsford. Steve Moore and James Botsford are experts in legal issues related to the NAC. James Botsford worked on the 1994 amendments to the American Indian Religious Freedom Act to restore Native American Church protections lost in the *Supreme Court v. Smith* case of 1991. James Botsford worked on codifying the rights of members of federally recognized

tribes to use, possess, and transport Peyote in the United States for their religious purposes, a significant change in legislation related to American Indian use of Peyote and their religious freedom. Steve Moore has worked on several cases related to the use of Peyote by American Indians and the protection of their access to the Peyote Gardens. Steve Moore represents the Native American Church of North America (NACNA) as their attorney. Steve is also a member of the board of directors of the Indigenous Peyote Conservation Initiative (IPCI), a non-profit with the mission of protecting and preserving Peyote and allowing NAC members to participate in establishing a presence in the Peyote economy. Steve Moore also worked with NAC members and scientists in the field of plant biology and cactology to get language about proper harvesting techniques of Peyote and related topics included in the 2016 Texas Department of Public Safety (TDPS) rules on Peyote distributors.

I have known Steve Moore nearly my whole life, as he is my father's colleague and is centered in my hometown of Boulder, Colorado. I met James Botsford when I visited Texas as a part of the Peyote Research Project II and my previous graduate research at Northern Arizona University (NAU). I used intensive sampling methods when selecting Steve Moore and James Botsford as research participants in my thesis. I selected Steve Moore and James Botsford based on my well-established working relationships with them and based on their expertise in my topics of study.

James Botsford was in Mexico, and Steve Moore was in Boulder, Colorado during my thesis research, so I had to rely on correspondence via individual and conference calls and email from January-April, 2019. We were able to discuss and exchange all of the

information which I needed with these methods. We stayed in communication on an approximate semi-monthly schedule during the months of January-March 2019.

I would prepare questions on NAC legislation and Peyote distributor regulations before I contacted them. I would generally email them and we would all agree on the topics to be discussed in a phone call following. I took notes during our phone calls to have a record of the conversations and for reference in drafting this thesis. I requested information from Steve Moore and James Botsford on important issues, such as, TDPS regulations and we would have phone and email conversations about them. I sent James Botsford and Steve Moore portions of my thesis and whole chapters for their review. James Botsford and Steve Moore were extremely helpful in answering my questions, offering guidance, and editing my work from their expert legal perspectives.

### **Interview Transcriptions and Coding**

I considered only completing partial transcriptions of my ethnographic interviews with Reggie and Murray Sope. As I listened to their steady voices and the profound statements on a vast breadth of issues related to their spirituality, their Sacramento, their wishes, and their communities, I decided I needed to complete full transcriptions. I used InqScribe software to transcribe our interviews. I recorded our interviews on my iPhone and on a digital recorder simultaneously as a contingency. My iPhone is password protected and I stored my digital recorder under lock and key in my vehicle and upon my return from the DVIR, in my home to ensure these recordings were not lost or and their confidentiality was preserved.

My interview with Reggie Sope lasted approximately one hour and twenty eight minutes, and took place over two different sessions. The full transcription of this interview was single-spaced 32 pages. My interview with Murray Sope lasted approximately one hour and forty five minutes in one session. The full transcription of this interview was 35 single-spaced pages. Considering the relatively short duration of these interviews, Reggie and Murray provided me with a huge amount of valuable information. I felt that I needed to transcribe these interviews in their entirety because of their complexity and out of respect for Reggie and Murray.

I tried to include as much of Reggie's and Murray's interview material as I could so that I could stay with my goal of making a document which would be of use and significance to the tribes. The completeness of the parts of discussion I presented in this thesis add a level of authenticity which could not otherwise be achieved. I decided that by including as much detail and nuance found in the transcripts, that it would potentially help this research have the maximum impact for the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

I used manual coding methods to select the important excerpts of text to include in this thesis. It was fairly easy to find the important parts, since they were the longest blocks of text. I chose information that was not revealing of information that Reggie and Murray deemed sacred and wished to keep confidential. From there I narrowed down topics of discussion and color coded them with highlighter and colored sticky page markers. I would also use the "find" function in Microsoft Word to search for keywords in the transcripts.



## **Conclusion**

I was able to conduct my ethnographic research because of the relationships I built with Reggie and Murray Sope through my father Deward E. Walker Jr. I spent time on the DVIR as a child with Reggie's boys, visited with their father Tommy on other research projects, and I consider Reggie and Murray good friends. It is for these reasons that I chose to do ethnographic interviews with them and to use a semi-structured approach. I felt that it would be the most respectful and productive way to complete my research and to produce a piece of work with relevance to them and the Shoshone-Paiute tribes.

I was able to consult with Steve Moore because of his relationship with my father and on our working relationship which came out of the Peyote Research Project I and II (PRP I, II). I met James Botsford for the first time in June 2016 in Laredo, Texas on the PRP II and before that had developed a working relationship with him on the PRP I via email and phone calls. Their expertise in the fields of Indian law, the NAC, and American Indian religious freedom became well known to me through our working relationships.

It is because of my relationship with these research participants and consultants that I chose my research methods. I used intensive sampling to select these experts in their respective fields and subjects because I had the utmost confidence in them and in our relationships. These relationships are unique to my research and they guided my methodology from start to finish. I cherish the experience to have worked with such outstanding people on this project.

## Appendix B: Shoshone-Paiute Research Approval/Resolution Letter

**THE SHOSHONE-PAIUTE TRIBES  
OF THE DUCK VALLEY INDIAN RESERVATION**

P.O. Box 219 Owyhee, NV 89832  
(208) 759-3100

October 29, 2018 [www.shopaitribes.org](http://www.shopaitribes.org)



University of Idaho, IRB  
875 Perimeter Dr.  
Moscow, ID 83844

**Re: Ethnographic Thesis Research Approval/Resolution for Joseph Benjamin Walker, MA Student, University of Idaho on his Thesis Entitled:**

***Reconnecting with the Sacrament, Peyote: an exploration of legal, economic, and social barriers to the Peyote Gardens affecting American Indians***

To Whom This May Concern:

The Shoshone-Paiute Tribes approve Joseph (Joe Ben) Walker to conduct ethnographic interviews for his thesis research through the University of Idaho on and off the Duck Valley Indian Reservation with enrolled Shoshone-Paiute members.

Joe Ben has an established and reputable history of applied ethnographic research for the Shoshone-Paiute Tribes and its community members. Joe Ben worked as a research assistant for Walker Research Group, Ltd. on behalf of the Shoshone-Paiute Tribes in conjunction with the Forest Service and the Bureau of Land Management in Idaho on three different projects.

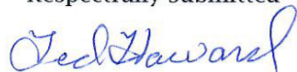
Joe Ben assisted his father, Dr. Deward E. Walker Jr., on the *China Mountain Wind Farm Project: Literature and Interviews Report* in 2011 and the *Boardman to Hemmingway Transmission Line (B2H) Project: Confidential Report on the Potential Impacts to Tribal Cultural Resources*.

Joe Ben also co-authored *An Ethnographic Assessment of some Cultural Landscapes in Southern Wyoming and Idaho: A Report in Two Parts. Part I: Preliminary Ethnographic Observations on Cultural Landscapes in Southern Wyoming and Idaho: A Literature Review, Part II: Cultural Landscapes in Southern Wyoming and Idaho: Ethnographic Interviews with Photos and Field Notes* with Dr. Walker, Dan Hutchison, and Pamela Graves in 2014-2015. Joe Ben and Dan Hutchison travelled the proposed right of way for the Gateway West Transmission Line across southern Idaho and Wyoming, systematically identified and documented a variety of landscapes that would be negatively affected for the tribes along the route, and conducted interviews with Shoshone-Paiute community members and spiritual leaders.

While working on these projects Joe Ben built relationships with tribal members, further established his presence on Shoshone-Paiute lands dating to his childhood, and his knowledge of important issues to the tribes. Given Joe Ben's experience here, we believe that he is qualified to conduct his thesis research responsibly and in the interest of benefitting the Shoshone-Paiute of the Duck Valley Indian Reservation. The Shoshone-Paiute of the Duck Valley Indian Reservation approve Joe Ben's thesis research proceedings until he graduates from the University of Idaho in May of 2019.

Joe Ben's proposed thesis research will examine some factors affecting tribal access to the Sacrament, Peyote and identify problems with the current Peyote market system. Joe Ben's research will benefit the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation by allowing our community members to document their perspectives on these issues surrounding Shoshone-Paiute access to the Sacrament, Peyote.

Respectfully Submitted



THEODORE L. HOWARD, Chairman  
Shoshone Paiute Tribes  
P.O. Box 219  
Owyhee, NV 89832  
(208) 759-3100 (ext. 1231)

Cc: Joseph (Joe Ben) Walker  
Files

## Appendix C: Research Informed Consent Form

### Informed Consent Form

**Project Title:** *Reconnecting With the Sacrament, Peyote: an exploration of legal, economic, and social barriers to the Peyote Gardens affecting American Indians*

**Principal Researcher:** Joseph B. Walker

I, \_\_\_\_\_, the interviewee's full name, state that I am over 18 years of age, and freely and voluntarily wish to participate in the research being proposed above.

#### Project Description:

I will attempt to illicit conversation using a semi-structured interview guide on issues that directly affect Native American Church members and/or non-affiliated Peyote religion practitioners and their ability to access their Sacrament, Peyote and the Peyote Gardens where it grows. I do not wish to research or ascertain sacred knowledge or meaning on Peyote ceremonies or other rituals related to the Native American Church or Peyote religion. Some discussion topics that may come up are religion, pilgrimage, relationships with people involved in the American Indian Peyote trade, laws and policies governing Peyote and on religious freedom, and other topics.

- 1.) **Research:** This study will involve qualitative research. The research process will be in the form of oral interviews that I, Joseph Walker, will record with a digital audiorecorder or my smartphone.
- 2.) **An explanation of the purposes of the research:** The purpose of this research is to gain an American Indian Peyote religion practitioner's or other professional who works on issues focused on Peyote and American Indians perspectives on how American Indian access to the Peyote Gardens has negatively impacted or otherwise changed. I, Joseph Walker will also discuss potential solutions to issues surrounding American Indian access to the Peyote Gardens.
- 3.) **The expected duration of the subject's participation:** I, Joseph Walker, will ask participants to engage in planning of interviews, interviews, and follow up conversations between October, 2018 and until my thesis is completed.
- 4.) **A description of the procedures (including methodology) to be followed:** I, Joseph Walker, will employ an in-depth, semi-structured interview with research participants. I will process interview recordings by personally transcribing them, systematically coding them, and I will include entire or partial interviews in my thesis. I will use no personal identifiers of research participants unless they indicate that they would like their names used in "section 9" of this form.
- 5.) **A description of any reasonably foreseeable risks or discomforts:** I will ask research participants to meet me at a mutually agreed upon location for our interview, participants will reach this location at their own risk. We will be discussing issues related to religion, spirituality, and I may ask participants questions about their own personal experiences in their Peyote Religion. If at any point participants become uncomfortable or feel at risk, we can change the

conversation topic. If participants feel that it is too risky to attend the interview, they are not obligated to do so.

**6.) A description of any benefits to the subject, or to others which may reasonably be expected from the research:**

This research has the potential to identify problems with the current Peyote market system. This research will benefit the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation by allowing their community members to document their perspectives on issues surrounding Shoshone-Paiute access to the Sacrament, Peyote. This research may benefit non-tribal participants by allowing them to discuss and publish their perspectives on issues regarding American Indian access to Peyote.

**7.) Confidentiality of data and privacy of subject(s) will be maintained:**

All interview materials including audiorecordings, interview transcriptions, and other materials related to interviews will be kept on a password protected computer. No personal identifiers will be used in published materials. This informed consent form will be kept under lock and key in the University of Idaho Sociology and Anthropology department office.

**8.) An explanation of whom to contact for answers to pertinent questions about the research, subject's rights, and research related injury to the subject(s):**

Please contact Joseph Walker (principal researcher), Dr. Rodney Frey (faculty sponsor), or the University of Idaho IRB office with any questions or concerns about this research.

**9.) A statement that participation is voluntary:** Your participation in this thesis research project is completely voluntary.

I acknowledge that Joseph B. Walker has fully explained to me the purposes and procedures, and the risks of this research; he has informed me that I may withdraw from participation at any time without prejudice; and has informed me that I will be given a copy of this consent form. I freely and voluntarily consent to my participation in the above mentioned research project.

I waive \_\_\_\_\_ or do not waive \_\_\_\_\_ the right to confidentiality, i.e., my name may or may not be used in the research.

**10.) List any special stipulations or conditions established by the interviewee in the conduct or disposition of this project:**

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**Signature of**

**Interviewee:** \_\_\_\_\_

## **Appendix D: In-Depth, Semi-Structured Ethnographic Interview Guide**

**Semi-Structured Interview Guide for:** *Reconnecting With the Sacrament, Peyote: an exploration of legal, economic, and social barriers to the Peyote Gardens affecting American Indians*

Joe Ben Walker  
University of Idaho M.A. Student

- 1) Have you ever been to the Peyote Gardens in Texas? If so, what are some important parts of the trip?
- 2) Have you ever picked Peyote yourself? If so, can you talk about the experience? If not, how have you procured Peyote?
- 3) Do you feel that your access to the Peyote Gardens has been negatively affected by outside factors? If so, what are some of those factors?
- 4) Do you believe that it is easy to complete the process of obtaining Peyote?
- 5) What barriers have you confronted when trying to obtain Peyote?
- 6) What would make accessing the Peyote Gardens and the Sacrament easier?
- 7) Do you believe that a connection with Peyote is important?
- 8) How can Peyote religion practitioners connect or reconnect with Peyote and/or the land where it grows?